The Sydney Morning Herald.

PRICE THREEPENCE.——£3 PER ANNUM] VOL. XXIX. THURSDAY, OCTOBER 10, 1850. No. 4181 {CASH TERMS FOR ADVERTISEMENTS *For one inch and under, 3s.; and 1s. for every additional inch for each insertion.*

PACKET FOR THE CLARENCE RIVER.
(BEING THE FOURTH OF THE REGULAR LINE.)
THE well-known fast, coppered, brigantine FREDERICK GRIFFITHS, 80 tons, Higgins, master, is now ready to receive cargo, and will be quickly dispatched.
Apply to Donaldson and Co., Pitt-street; or to
JOHN MORRIS, Agent.
Clarence River Packet Office, Albion Wharf, October 8. 6540

FOR THE CLARENCE RIVER.
THE packet schooner HANNAH, H. Williams Ellis, master, will sail This Day, 10th October, wind and weather permitting.
For freight or passage apply on board, at the Union Wharf, Sussex-street.
Has superior accommodations for passengers, fitted with separate state rooms, with beds and bedding complete. 6427

FOR PORT MACQUARIE.
THE fast sailing packet schooner ELIZABETH COHEN will sail for the above port on Friday next, at three o'clock, P.M. The above vessel has been built expressly for the Port Macquarie trade, drawing but a light draft of water, and having first-rate accommodation for passengers.
For freight or passage apply to the Master, on board, at the Union Wharf; or, Mr. HENRY COHEN, Hunter-street. 6375

FOR MORETON BAY.
THE FINE SCHOONER GIPSY, 60 tons burthen, Wm. Adams, master, having part cargo engaged, will sail on Tuesday next (wind and weather permitting). For freight or passage apply on board; or to
HENRY CLARKE, Union Wharf.
October 10. 6532

PACKET FOR WIDE BAY.
THE A1 clipper, coppered and copper-fastened schooner CHIEFTAIN, 130 tons, Watts, master, will be ready to receive cargo on Friday next, and will meet with quick despatch. For freight or passage apply to
JOHN MORRIS, Agent.
Packet Office, Albion Wharf, October 1. 6539

FOR GEELONG DIRECT.
WITH LIBERTY TO PROCEED TO MELBOURNE AFTER LANDING GEELONG CARGO.
THE fine brigantine VIXEN, 160 tons burthen, now ready to receive cargo, at the Sydney Flour Wharf; will sail in a few days for the above ports. This vessel having performed her voyage to and from Launceston in twenty-one days, including discharging and receiving full cargo, needs no comment on her sailing qualities. Her light draught of water enables her to proceed over the bar at either port with a full cargo. For freight or passage, cabin and steerage accommodation very superior, apply to the Commander, on board; or to
HENRY FISHER, City Depôt, 480, George-street. 6408

FOR GEELONG AND MELBOURNE, FOR PASSENGERS ONLY.
THE first-class brig RAVEN, 200 tons burthen, William Bell, commander, has only room disengaged for *three* cabin and *four* steerage passengers. The cabin accommodations of this vessel are equal to the steamer; separate cabin and saloon for ladies and families. Beds, linen &c., found on board.
For passage only, apply to Captain Bell, at the Flour Company's Wharf; to
E. M. SAYERS, Port Phillip Packet Office, 459, George-street; or to
R. T. FORD, 8, Bridge-street. 6537

FIRST PACKETS FOR MELBOURNE.
THESE well-known unrivalled first-class packets will sail on or about the days named, weather permitting:—
PHOEBE, 120 tons burthen, J. Cowan, master, To-morrow.
PRINCE OF WALES, 170 tons burthen, W. B. Innes, master, on Wednesday, the 16th instant.
DART, 200 tons burthen, A. Collins, master, on Saturday, the 19th instant.
The accommodations for passengers in the above fine vessels are unequalled in the trade.
Beds, bedding, and the best of provisions, wines, beer, and spirits found.
Apply on board, at the Flour Company's Wharf; or, to
SHEPPARD AND ALGER, Packet Office, 470, George-street. 6869

FOR GEELONG AND PORT FAIRY.
DAILY EXPECTED.
THE fine first-class schooner LILLIAS, 100 tons burthen, Rea, Master, will be despatched in seven days after arrival, in the mean time goods will be stored, and receipts given.
For freight or passage apply to
JAMES COOK, Circular Quay.

FOR HOBART TOWN.
(TO SAIL ON SUNDAY MORNING.)
THE well-known packet brig EMMA, 170 tons, R. F. Pockley, commander.
Goods intended for shipment by this vessel must be sent down without delay, to prevent disappointment. There is one cabin disengaged.
Apply on board, at the Queen's Wharf; or to
JOHN MACNAMARA, Queen-street.
Seamen wanted for this vessel. Apply on board. 6515

FOR LAUNCESTON DIRECT, WITH QUICK DESPATCH.
THE fine new fast sailing brig GAZELLE, having nearly half her cargo ready for shipment, will meet with early despatch. For freight or passage apply on board, at the Circular Wharf; or, to
BUYERS AND LOCHHEAD, Harrington-street. 6600

PACKET FOR ADELAIDE.
THE noted clipper PHANTOM, 268 tons register, Henry Brown, commander, having a portion of her cargo engaged will meet with quick despatch.
For freight or passage apply to
SHEPPARD AND ALGER, Packet Office, 470, George-street.
The cabin accommodations of this much admired vessel are of the most superior description. There is a splendid stern cabin for ladies.

ONLY VESSEL FOR ADELAIDE.
THE VELOCITY, 170 tons burthen, M'Veigh, master, is now taking in cargo, and will be despatched for the above on the 14th instant, positively. For freight or passage apply on board, or to
JAMES COOK.
October 10. 6522

FOR ADELAIDE DIRECT.
TO FOLLOW THE LOUISA,
THE fine fast-sailing Brig TWO FRIENDS, 220 tons, Edward Courtney, commander.
This vessel will be ready to receive freight in a few days, and will have great despatch.
Apply on board, at the Queen's Wharf; or, to
JOHN MACNAMARA, Queen-street. 6513

PACKET FOR ADELAIDE.
THE splendid new brig THOMAS & HENRY, 300 tons burthen, George Bennett, master, having much of her cargo engaged, will have quick despatch.
For freight or passage apply on board, at the Flour Company's Wharf, or to
SHEPPARD AND ALGER, Packet Office, 470, George-street.
This fine new packet is now having her cabin accommodations completed by Mr. D. Aitcheson in the most perfect manner. They will be unsurpassed by any vessel in these colonies, whether for elegance, comfort, or space. 5725

FOR PORT NICHOLSON AND NELSON
TO SAIL POSITIVELY ON SUNDAY, THE 13TH INSTANT.
THE Brig LOUIS AND MIRIAM. Shippers by this vessel are respectfully informed that she will positively clear at the Customs on Saturday next, and proceed to sea on the following day, full or not full. For freight or passage, having excellent accommodation, apply to Captain Pilfold, on board, at the Circular Quay; or to
M. JOSEPH, 390, George-street.
October 7. 6402

FOR KING GEORGE'S SOUND, SWAN RIVER, AND BATAVIA.
THE fine clipper-built A1 schooner ROMP, 120 tons, Alexander Henderson, Commander, will sail for the above ports in a few days, and is now taking in cargo at the Bon Accord Wharf. Has room for about 20 tons of freight, and two cabin passengers. For freight or passage apply immediately to the Captain, on board; or to
H. FISHER, City Depot, George-street.
N.B.—PRIME MESS BEEF.—From advices received, via Adelaide, from "Swan River," there is a large and good market for this article to supply the increased demand for the "Commissariat," owing to the arrival of convicts there, and the general scarcity and high price of provisions in that colony. 6511

FOR SAN FRANCISCO,
THE BARQUE EUDORA, 208 tons, Captain Gourlay, will be ready to sail in a few days. For freight or passage apply to
SMITH, CAMPBELL, AND CO., Spring-street.
October 7. 6460

SHIP BALMORAL, FOR CALIFORNIA AND HONOLULU.
SHIPPERS having engaged freight are requested to complete their shipments, and send in their bills of lading, without delay, as the vessel will haul off the wharf on Saturday next, the 12th instant.
Has room for only a few tons more goods, and three or four passengers. Apply to the Captain, on board; or to
L. AND S. SPYER, Lower George-street.
October 7. 6397

FOR CALIFORNIA.
THE first-class American brig SAMUEL CHURCHMAN, 221 tons. G. A. Newell, master, will sail for San Francisco 15th October. For freight or passage apply to
S. WILKINSON, Jun., Macquarie-place. 6552

FOR SHANGHAI,
THE fine A 1 barque LADY PEEL, R. L. Fraser, commander, will sail for the above, the 15th instant. For freight or passage apply on board, at Campbell's Wharf; or, to,
GRIFFITHS, FANNING AND CO., Spring-street. 6458

FOR CEYLON DIRECT,
THE splendid A1 ship FRANCIS RIDLEY, 635 tons register, George Danford, commander, will sail on an early day.
For freight or passage apply to Captain Danford, on board, at Campbell's Wharf; or, to
BUYERS AND LOCHHEAD, Harrington-street. 6435

FOR LONDON,
TO SAIL ON THE 15TH INSTANT.
FOR LIGHT FREIGHT AND PASSENGERS ONLY.
THE fine first-class barque EARL GREY, 835 tons, H. E. Lansdowne, Commander.
This vessel has first-rate accommodation for CABIN, INTERMEDIATE, and STEERAGE passengers, and carries a Surgeon. Apply to the Captain, on board; to
SMITH, CAMPBELL, AND CO.; Or, J. B. METCALFE.
October 2. 4361

FOR LONDON, FOR WOOL ONLY.
THE first-class barque SALSETTE, 422 tons register, Colin Munro, commander. Has all her dead weight on board, and only room for a few bales wool. Has superior accommodation for passengers. Apply to
FLOWER, SALTING, AND CO.; or, to
GILCHRIST AND ALEXANDER. 6362

FOR LONDON.
FOR WOOL AND LIGHT FREIGHT ONLY.
THE fine first-class ship SERINGAPATAM, Francis Lovell, commander, having all her dead weight on board, will meet with quick dispatch.
For freight or passage apply to
J. B. METCALFE; or DONALDSON AND CO., 398, Pitt-street. 5804

FOR FREIGHT OR CHARTER.
THE fine fast-sailing barque JOSEPHINE, 310 tons, J. Smith, Commander. Apply to the Captain on board; or, to
J. B. METCALFE. 6279

WANTED TO CHARTER,
A FIRST-CLASS SHIP of about 500 to 600 tons, with large raft ports, to proceed to New Zealand and load spars for England.
For particulars apply to
MESSRS. LYALL, SCOTT, AND CO., Or to
E. N. BURGESS, 20, Macquarie-place. 6818

SCHOONER TOROA.
THIS beautiful schooner, daily expected from Moreton Bay, is now on sale by private contract. Apply to
MORT AND BROWN, Auctioneers. 6308

SEALED TENDERS, *in duplicate*, will be received at this Office, until noon of Monday, the 14th instant, for the supply of best Newcastle Screened Coals for Commissariat service in the Sydney district, from the 1st to the 30th day of November next, inclusive, it being optional with the undersigned to continue the Contract that may be taken for the supply of this article from month to month, until the 31st March, 1851.
The tender to state the price per ton of 2240 pounds, with and without delivery within the boundaries of the city of Sydney.
Tenders to be endorsed "Supply of Coals," and addressed to the Deputy Commissary General.
T. W. RAMSAY, Deputy Commissary General.
Commissariat, New South Wales, 1st October, 1850. 5868

SYDNEY FIRE INSURANCE COMPANY.
Chairman, T. W. Smart, Esq.
Deputy Chairman, Charles Kemp, Esq.
DIRECTORS.
Thomas Agars, Esq. | R. M. Robey, Esq.
Thos. Holt, Jun., Esq. | W. R. Scott, Esq.
Surveyor—James Hume, Esq.
Secretary—George King, Esq.
The Directors of the Sydney Fire Insurance Company call the attention of the public to the following reduced Scale of their Rates of Premium:—
SECTION A.—Slated buildings, 6s. to 12s. per cent,
SECTION B.—Shingled buildings, 8s. to 18s, per cent.
SECTION C.—Weather-boarded buildings 15s. to 30s. per cent.
FIFTY PER CENT. of the Premium will be returned on the renewal, for twelvemonths, on all *yearly* Policies, SO THAT THE ACTUAL *cost of Insurance will be* ONE-HALF *only of the above Rates.*
Application for Insurance to be made to the Secretary, at the Office of the Company, No. 397, Pitt-street.
GEORGE KING, Secretary. 5789

SYDNEY FIRE INSURANCE COMPANY.
NOTICE.
THE Annual Meeting of the Members will be held at the offices of the Company, No. 397, Pitt-street, Sydney, on Tuesday, the 5th November next, at Two o'clock P.M., to receive the Report of the Directors, and to elect two Directors in the place of R. M. Robey, Esq. and W. R. Scott, Esq., who retire by rotation, but are eligible for re-election.
By order of the Board of Directors,
GEORGE KING, Secretary.
Sydney, October 2. 5989

No. 50-360.
Town Clerk's Office, Sydney, 3rd October, 1850.
TO CONTRACTORS.
NOTICE is hereby given, that Tenders will be received at this Office until Monday, the 21st October, at 12 o'clock noon, *for the performance of the undermentioned works*, in accordance with the plans and specifications exhibited in the Office of the City Surveyor, from whom all particulars may be obtained.
Repair of Valentine's-lane.
Construction of a Drain across Parramatta-street, near Mr. O'Sullivan's premises.
Erection of a Bridge at the end of Kensington-street.
JOHN RAE, Town Clerk. 6158

HOWARD'S ETHIOPIAN SERENADERS.
MESSRS. CHARLES V. AND GEORGE B. HOWARD beg to announce that they will give the first of their third series of Ethiopian Concerts in the Saloon of the Royal Hotel, this (Thursday) and to-morrow (Friday) evenings, October 10 and 11. Doors open at half-past seven, to commence at eight o'clock. Admission 1s., front seats 2s. Tickets to be had of Mr Sparke. Carriages to be in waiting at quarter-past ten. 6542

BLYHE WATERLAND'S SERENADERS are received nightly with CONTINUED ECHOES of APPLAUSE. Their third ETHIOPIAN CONCERT will take place in the Saloon of the Royal Hotel, on SATURDAY EVENING, 12th instant, with a change in the programme 6502

ADVICE.
DOCTOR HORNER DE TAVEL has the honour to announce, that in consequence of the numerous *Diseases of the Eye* prevalent in this colony, he is induced to offer his services to the public, having had extensive and long experienced in that particular branch of his profession.
Consultation, gratis, every day, from 12 to 2 o'clock P.M., at No. 71, Hunter-street, opposite Elizabeth-street. 6546

MR. ADAM WILSON,
ARBITRATOR and ADJUSTER of AVERAGES and LOSSES, EXECUTORS' MERCANTILE, and SHIPS' ACCOUNTS ARRANGED. Charlotte-place, Church Hill. 4657

MR. C. H. CHAMBERS,
HAVING returned to the colony, will attend for some time here from *half-past Nine to One o'clock* daily, for the convenience of persons desiring to see him.
No. 316, Pitt-street, Sydney, 4th October. 6222

HERO OF WATERLOO, FORT-STREET.
JONATHAN BROWN respectfully intimates to his friends and the public, that he has fitted up the above Tavern with every thing suitable for the accommodation of travellers or other persons visiting Sydney requiring Board and Lodging. He intends conducting the house on the most economical principles, and flatters himself, from his past experience and his determination to sell the best article that the market can produce at the lowest remunerating price, to meet with the approbation and encouragement of the public generally.
N.B.—Masters of vessels would find this house in every way suitable to them, from its convenient distance to all the principal wharves. 85

THE NEW SOUTH WALES ASSOCIATION FOR PREVENTING THE REVIVAL OF TRANSPORTATION.
CHAIRMAN:
Charles Cowper, Esq.
MANAGING COMMITTEE:
William Bowman, M.L.C.
George Bowman
James Byrnes, M.L.C.
Thomas Broughton, J.P.
Robert Campbell, J.P.
John Campbell, J.P.
Daniel Cooper, Jun., M.L.C.
John Fairfax
George Robert Hirst
G. K. Holden
Thomas Holt
Joshua Frey Josephson, J.P.
John Lamb, M.L.C.
Rev. John Dunmore Lang, M.L.C.
George A. Lloyd
The Venerable Archdeacon M'Encroe
Michael Metcalf
R. A. A. Morehead
Thomas Sutcliffe Mort
James Norton
George Oakes, M.L.C.
Henry Parkes
Wm. R. Piddington
George Rees
R. M. Robey
Robert Scott Ross
Thomas Ware Smart, J.P.
Joseph Simmons, Sen.
Thomas Whistler Smith
Montagu Consett Stephen
William Henry Suttor, M.L.C.
Edward Sandford
Harold Selwyn Smith
George Thorne, J.P.
Robert Tooth
Elias Carpenter Weekes
James Robert Wilshire, J.P.
TREASURER:
Robert Campbell, (Campbell's Wharf.)
SECRETARY:
Gilbert Wright.
Offices of the Association, No. 93, King-street, Sydney.
OBJECTS OF THE ASSOCIATION.
1st. To prevent the revival of transportation to New South Wales, and to co-operate with the colonists of Van Diemen's Land, in their efforts to procure the cessation of transportation there.
2nd. To unite all the inhabitants of the colony as closely as possible, for the attainment of these great objects.
3rd. To establish and promote an interchange of intelligence and sentiment between all the Australian colonies interested in the discontinuance of transportation.
4th. To adopt all lawful measures, to meet any emergency which may arise, until the objects of the Association be finally obtained.
REGULATIONS.
5th. Persons may become members of the Association upon signing the following pledge: "We hereby enrol ourselves members of 'The New South Wales Association for preventing the Revival of Transportation,' pledging to each other our united exertions in accomplishing the objects of the Association;" and upon paying a contribution to the funds of not less than one shilling, but it is hoped that persons friendly to the objects will not limit their subscriptions to the amount named.
6th. The Committee shall meet once every week, or oftener if need be, on summons from the Secretary, for the despatch of business.
7th. The funds of the Association shall be paid away only by the Secretary's draft upon the Treasurer, given under authority of a resolution of the Committee.
Tickets of Membership may now be obtained from each of the members of the Managing Committee, and also from the Secretary.
Lists and Pledges are also lodged for signature with the same gentlemen.
The members of the Managing Committee will meet at the offices of the Association, No. 93, King-street, THIS DAY, at 3 o'clock P.M., and at the same time and place on each Tuesday and Thursday in every week until further notice.
GILBERT WRIGHT, 93, King-street, Secretary. 6092

A NEW ARRANGEMENT.
WATCHES of every construction ACCURATELY repaired and regulated by a FIRST-RATE WORKMAN à Genève, and recommended from the best makers there. Ladies and Gentlemen may rely most confidently on having their Watches and Clocks most promptly and carefully attended to on the premises, at
M. BIRNSTINGL'S. 6543

FASHIONABLE BONNETS, EX PHOENICIAN.
MISS ROSSITER has just opened a beautiful assortment of Bonnets, Ribbons, Flowers, &c., &c., by the above vessel, 256, Pitt-street.
N.B.—Apprentices Wanted to the Millinery and Dressmaking. 6549

NEW DRAPERY ESTABLISHMENT.
PRELIMINARY NOTICE.
TO THE LADIES OF NEW SOUTH WALES.
THOSE commodious premises in Pitt-street, lately in the occupation of Messrs. Pite and Preston, are now being greatly extended and modified, and will in a short time be opened by
G. C. TUTING
with a most EXTENSIVE and ELEGANT assortment of Goods adapted for the approaching season,
Of which due notice will be given. 6295

BOTANIC AND HORTICULTURAL ROOM,
438, GEORGE STREET,
NEXT THE COMMERCIAL BANK.
JAMES M. SMYTH, in thanking the many ladies who have patronized his establishment since his commencement, respectfully informs them that owing to the general demand for his superior stock of all kinds of fashionable millinery, flowers, &c., &c., the large room abovementioned is now open as a SHOW ROOM, where an immense and beautiful stock of
SPRING BONNETS,
Can at once be seen, from the celebrated millinery establishment of Brandon's, 139 and 140, Oxford-street, London. 6426

EX THE LATE ARRIVALS.
B. MOUNTCASTLE begs to announce a large addition to his extensive stock, —the assortments are now complete, and on inspection will be found to contain all the latest London and Paris fashions, in
Beaver Hats, black and drab
French ventilated Hats, ditto ditto
Stuff Hats, ditto ditto
Shell Hats, ditto ditto
Felt Hats
Ladies' riding Hats
The largest assortment in Sydney of men's and boy's plain and fancy Caps
Capmakers supplied with materials.
Every description of hats manufactured to order in any quantity. A considerable allowance to country storekeepers.
Livery bands, cockades, naval and commissariat lace and ornaments, &c., &c.
French Hat Manufactory, 77, Market-street.
Fancy Cloth Cap Maker wanted. Apply as above. 633

SLOPS.
GEORGE CHISHOLM begs to inform settlers and country storekeepers, that he has now on hand a very large stock of slops of all kinds, comprising—
Single and double stitched moleskin trowsers
Flushing and pilot cloth ditto
Colonial tweed and doeskin ditto
Ditto ditto coats and waistcoats
Scotch twill striped and regatta shirts
Blue Guernsey and yarn ditto
Shepherds' and stockmen's coats
Cabbage tree and brab hats
8-4, 9-4, and 10-4 blankets.
Country orders will receive every attention, and a discount allowed, if accompanied with a remittance. 3266

AGENTS WANTED FOR THE SALE OF HOLLOWAY'S OINTMENT AND PILLS.
SNUG little incomes are being made by the sale of Holloway's celebrated Pills and Ointment. In this part of the globe there are yet many places where no Agent is appointed, consequently the present opportunity is open to a few respectable Storekeepers and other desirous of making money without risk, in parts where the remedies are not regularly vended by a duly accredited person.
The Agent will have the advantage of seeing his name published regularly in all the papers of New South Wales, thus making him and his general business well known without cost to himself.
Prices and terms may be known by addressing a letter to the undersigned.
Every Agent may have a voucher to prove that he is duly authorised to sell the medicines.
To insure an appointment early applications are necessary.
J. K. HEYDON, Wholesale Agent for New South Wales, Victoria, and New Zealand.
78, King-street, Sydney.
The following is a list of the Agents already appointed, most of whom have been supplied with medicines put up with the *water-mark* in the Pamphlet of Directions:—
Albury—Messrs. T. H. Mate and Co., storekeepers
Armidale—
Bathurst—Mr. Josiah Parker, chemist
Braidwood—Mr. Williams, postmaster
Brisbane (South)—
Broulee—Mr. Fitzwilliams, postmaster
Berrima—Mr. Powell, auctioneer
Bungendore—Mr. John Dwyer, storekeeper
Camden—Mr. S. Thompson, steam mill store
Campbelltown—Mr. W. Bursill, storekeeper
Carcoar and Canowindra—
Castlereagh—Mr. Gorman, storekeeper
Clarence Town—
Clarence River—Mr. John Macdonald, boot and shoe maker
Cornish Settlement—Mr. William Rowe schoolmaster
Dungog—Mr. Allen, storekeeper
Drayton—Mr. Lord, storekeeper
Eden (Twofold Bay)—
Gayndah—
Geelong—Mr. J. Williams, bookseller
Goulburn—Mr. S. Emanuel, storekeeper
Gundagai—Messrs. Davidson and Co.
Gunning—Mr. James Downes, storekeeper
Hassan Wall—Mr. M'Lennon, storekeeper
Heydonton—
Fraser's Creek, New England—Mr. John Steel, storekeeper
Jerry's Plains and Merton—Mr. Ward, Post Office
Ipswich—Mr. F. A. Forbes, storekeeper
Kiama—Mr. Joseph Pike, storekeeper
Kangaroo Point—Mr. R. Davidson, storekeeper
Liverpool—
Liverpool Plains—
Lower Condamine and Maranoa Districts—Mr. Joseph King, Myall Creek
Maitland—Mr. Paulovitch, storekeeper
East Maitland—Mr. W. P. Peek, storekeeper
Maneroo—Mr. Solomon, Dr. Reed's Flats
Marulan—
Melbourne—Mr. P. J. Cregin, bookseller
Molong—Messrs. J. and A. Murray, storekeepers
Morpeth—Mr. O'Keefe, near the Steam Wharf
Mudgee—
Murrurundi—Mr. Alexander Brodie, storekeeper
Muswellbrook—Mrs. Phoebe M'Alpin
Newcastle—
Parramatta—Mr. Joseph Smith, grocer, Church-street
Pambula—Mr. Covington, storekeeper
Paterson—Mr. Archibald Lamont, storekeeper; Mr. Nind, druggist
Penrith—Mr. F. Robertson, storekeeper
Picton—Mr. Hugh O'Neil, baker
Queanbeyan—Messrs. Benjamin and Moses, storekeepers
Raymond Terrace—Mr. Houlding, postmaster
Richmond—Mr. John Ducker, storekeeper
Scone—
Singleton—Mr. W. Copland Leslie, druggist
Stroud (Port Stephens)—Mr. John Corbett
Sydney—Mr. Marshfield, tobacconist, Brickfield-hill; Mr. Cleary, shoemaker, King-street; Mr. Pinhey, chemist, Parramatta-street; Mr. M. Dalton, grocer, Parramatta-street; Mr. Marshall, chemist, William-street, Woolloomooloo; Mr. Watson, shoemaker, South Head Road; Mr. J. Beer, hairdresser and tobacconist, Lower George-street, four doors from the *Herald* Office.
Tamworth (Peel's River)—
Tarcutta—Mr. T. H. Mate, postmaster
Warialda—Mr. William Geddes, postmaster
Wellington—Messrs. J. Drew and Co., Post Office
Wide Bay—Mr. Palmer, storekeeper
Windsor—Mr. Richard Seymour, saddler
Wollongong—Mr. Thomas W. Palmer, chemist and postmaster
New Zealand:—
Auckland—Mr. Wellesley Hughes, Shortland-street.
Nelson—
Otago—
Wellington— 4776

TO COMMANDERS OF VESSELS, SHIP BUILDERS, MAST MAKERS, TIMBER MERCHANTS, AND OTHERS.
KAURI TIMBER,
LANDED ex Undaunted from Kiapara, and for sale as under, in lots to suit buyers, from a single spar to the whole cargo.
Squared Spars, measuring 67 feet x 23 x 22 downwards.
Sawn timber, measuring 30 x 22 x 8, downwards.
Round Spars and Rickers of various sizes.
The immediate attention of purchasers is solicited to this parcel of timber, from the great variety of dimensions it offers—and the instructions of the owner being to clear the whole off *at a very small advance on New Zealand prices.*
JOHN RICH.
Miller's Point Wharf, October 8. 6383

MADDER SEED.
MANGEL WURZEL
MILLETT
VAN DIEMEN'S LAND POTATOES
N.B.—The Mangel Wurzel plant exhibited at the last horticultural show and weighed 40 lbs. was grown from the above seed, the produce of an acre would be from 40 to 60 tons either for feeding stock or distillation. Now is the time for sowing. Sold by
MR. HENRY FERRIS, Pitt-street, Sydney, near the Theatre.
October 4. 6231

WILKINSON'S SHEEPSHEARS, for sale by
SMITH, BROTHERS, AND CO. 3371

NEW BOOKS, EX PHOENICIAN.
GORHAM v. THE BISHOP OF EXETER. The argument of Dr. Bayford on behalf of the Rev. G. C. Gorham, in the Arches Court of Canterbury; 2nd. edition, corrected, with the authorities
Pusey (Dr.) on the Royal Supremacy, 8vo., Ancient Precedents
Gorham Case. A full report of the arguments of Counsel in this important case, before the Judicial Committee of the Privy Council, with the Judgment
Rogers' Essays, selected from the *Edinburgh Review*, Biographical, Critical, Theological, and Political, 2 vols., 8vo.
Smith (Rev. Sydney) Elementary Sketches of Moral Philosophy, delivered at the Royal Institution, 8vo.
Wilberforce (Rev. R. I.) on the Doctrine of the Incarnation, 8vo.
Martineau's (Harriet) Eastern Life, Present and Past, 8vo.
Wordsworth on the Canon of Scriptures, 8vo.
Francis' History of the Bank of England, 2 vols., 8vo.
Tyler (Rev. J. E.) on Primitive Christian Worship
Wilberforce (Archdeacon) Sermons on the New Birth of Man's Nature
Macaulay's Critical and Historical Essays, complete in 1 vol.
Smith's (Rev. Sydney) Works complete, 1 vol.
Williams on the Law of Executors and Administrators, 2 vols., 8vo., last edition
Crabbe's Law of Real Property, 2 vols., last edition
Hamilton on the Doctrine of Rewards and Punishments, 8vo.
Quain's Anatomy 2 vols., last edition
Jane Eyre, by Currer Bell
Phases of Faith in Passages from the History of my Creed, by Francis William Newman, late Fellow of Baliol College, Oxford.
James' Christian Watchfulness
Kip's (Rev. W. I.) Early Conflict of Christianity
Churchill, Dr., Theory and Practice of Midwifery
Fowne's Manual of Elementary Chemistry
Fergusson's Practical Surgery
Alison's (Archibald) Political, Historical, and Miscellaneous Essays, 2 vols. 8vo.
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Gin and brandy, in 2 and 4 gallon cases
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SHIPPING INTELLIGENCE.

ARRIVALS.

October 9.—Arabia, barque, 362 tons, Captain Davis, from Hongkong the 20th July. Passengers—Mrs. Davis, Mrs. Smith and three children, Mr. Harris.

October 9.—Souvenir, schooner, 64 tons, Captain Organ, from Portland Bay, the 29th ultimo.

October 9.—Favorite, schooner, 96 tons, Captain Stericker, from Moreton Bay the 5th instant. Passengers—Mr. A. Campbell, and 6 in the steerage.

DEPARTURE.

October 9.—Maria, barque, 489 tons, Captain Plank, for San Francisco. Passengers—Mr. J. A. Connell, Mrs. Lambert and three children, Mrs. Whitfield, Mrs. Sidey, Mrs. Rolfe, Miss Myers, Mrs. Lucas and child, Miss Williams, Mr. R. Jordan, Mr. James Thompson, Mr. Clare, Mrs. Coghlan and three children, Mrs. Sheridan, Mr. Hook, wife, and three children, Mrs. Kerrigan.

PROJECTED DEPARTURES.

This Day.—Culloden, for Ceylon; Ratcliff, for Manila; Christina, for Melbourne; Argyle, for Panama via Newcastle; Susan, and Cachalot, for Newcastle; Moa, for Auckland; Mary Stewart, for Moreton Bay; Louisa, for Adelaide; Tasmania, for London.

CLEARANCES

October 9.—Argyle, ship, 585 tons, Captain Irvine, for Panama via Newcastle. Passengers—Mr. John Jacobs, Mr. William Cadden, Mr. J. Wilson.

October 9.—Christina, brig, 126 tons, Captain Korff, for Melbourne. Passengers—Mr. Crooke, Mr. Brown, Miss A. Davis, Andrew Martin, wife, and six children, Ellen Dowey, Bridget Melody, Timothy and Mary Smith, W. H. Bellings and wife, William N. Donough, Mary Healy, W. Davy.

COASTERS INWARDS.

October 9.—Rose, steamer, 172, Harding, from Morpeth, with 38 bags bran, 41 bags wheat, 8 bags pollard, 50 boxes candles, 10 boxes soap, 10 bales sheepskins, 165 hides, 27 kegs tobacco; Bard's Legacy, 28, Young, from Wollongong, with 28 tons coals; Orient, 30, Walters, from Broulee, with 30 tons potatoes; Maria Prudence, 27, Lowder, from Wollongong, with 32 tons coals.

COASTERS OUTWARDS.

October 9.—Rose, steamer, 172, Harding, for Morpeth, with sundries; Maria Prudence, 27, Lowder, for Newcastle, in ballast; Jeanie Deans, 31, Witcher, for Ulladulla, with sundries; Henry, 15, Bridson, for Shoalhaven, in ballast.

IMPORTS.

October 9.—Arabia, barque, 362 tons, Captain Davis, from Hongkong: 6000 bags sugar, Thacker and Co.; 196 chests 150 half-chests tea, H. Moore; 102 rattan chairs, 45 large bamboo chairs, 20 small bamboo chairs, Captain Davis; 5 bales slops, 2 boxes preserves, 1 box silks, Order.

EXPORTS.

October 9.—Additional exports per Moa for Auckland: 2 bales woollens, R. Fawcett.

October 9.—Christina, brig, 126 tons, Captain Korff, for Melbourne: 2000 cocoa-nuts, 340 cedar boards 19,000 feet cedar, 12 casks coal tar, 54 packages goods, Order.

SHIPS' MAILS.

Mails will close at the Post Office, as follow:—

For Hobart Town.—By the Emma, on Saturday evening, at six.

For San Francisco.—By the Victoria, this evening, at six.

For Tahiti.—By the Rosalind, this evening, at six.

For Port Nicholson and Nelson.—By the Louis and Miriam, on Saturday evening, at six.

The Souvenir spoke the William Hill, hence for Launceston, off Twofold Bay, on the 6th instant.

The Favorite left Brisbane on the 2nd, and Cape Moreton on the 5th instant. Her cargo consists of 30,000 feet pine, 10 bales wool, 15 casks bottled beer, 20 casks tallow, 9 casks pork, 30 bundles sheepskins, 90 hides, 7000 staves.

The Eagle, steamer, hence, passed Cape Moreton early on the morning of the 5th instant. The Emigrant had been released from quarantine, but Captain Kemp had not determined on coming on to Sydney.

The Arabia has had a very long passage from Hongkong, owing to bad weather and baffling winds. Five days after her departure she encountered a typhoon in the China Sea. The Vanguard, schooner, Captain Richards, had sailed from Hongkong some time prior to the sailing of the Arabia.

The Louisa, for Adelaide, and Tasmania, for London, were anchored in Watson's Bay yesterday evening.

When the Vixen left Launceston, the John Soucnay and the Midlothian were nearly loaded for Mauritius. These two ships will convey 14,000 bushels of wheat, 200 tons of flour, 5000 bushels of bran, 850 casks of beef and tongues, besides tallow, leather, candles, &c.

James Godden was the name of the lad (one of the crew of the schooner Lucy Ann), who was drowned at the Richmond River, on the 28th September. He came out from England on board the Ramilies, about two months since.

The Phœnix.—The hull of this vessel having been raised out of the sand, where it was embedded near the entrance to the Clarence River, preparations are being made to launch her again. The sails and rigging are about to be forwarded, and, should the weather continue fine, it is expected the vessel will be in Sydney in the course of next month.

DIARY.

MEMORANDA TO NEXT PUBLICATION.

October.		Sun rises	Sun sets	High water morn.	High water even.
10	THURSDAY	5 43	6 17	10 50	11 10

Moon—First quarter, 12·34 p.m., October 13.

ROYAL VICTORIA THEATRE.

This Evening, October 10,

Will be produced, the admired Opera, entitled THE NIGHT DANCERS. Albert, Mr. J. Howson; Godfrey, Mr. Rogers; Fridolin, Mr. F. Howson; Bertha, Mrs. Gibbs; Mary, Mrs. Rogers; Giselle, Mrs. Geurin; Myrtha, Madame Torning; Corella, Mrs. Rogers. To conclude with a new Farce, entitled CHAMBER PRACTICE; or, LIFE IN THE TEMPLE! Mr. Bouncely Beamish, Mr. Hydes; Mr. Frederick Flarehault, Mr. Spencer; Chuney Chuck, Mr. F. Howson; Miss Eyesinglass, Mrs. Gibbs; Miss Flarehault, Miss Hart.

Police Office.—The Mayor, with Alderman Egan, Mr. Brenan, and the Superintendent of Police, were the sitting magistrates yesterday. Messrs. Gilchrist, Griffiths, and Holden, have been summoned for bench duty to-day.

Court of Requests.—The sittings of this Court will be resumed this morning at 10 o'clock, commencing at No. 170.

The Police Act.—Several convictions for breaches of the Sydney Police Act were had at the Police Office yesterday. Joseph Brignell was fined 40s. and 15s. 6d. costs for allowing impure water to flow and to be thrown from his premises on those of a neighbour. William Lynch and James Mitchell were fined each 5s. with 5s. costs, for obstructing the footway with building materials, and not putting up a hoard, as required by the Act, for the protection of foot passengers.

Found.—On Monday morning a girl named Catherine Croney found a bundle containing flannel and calico shirts, sheets, blankets, &c., in a pool of water in Argyle-street, and handed them over to the police. They are of no great value, but no doubt have been stolen.

Store Robbery.—In the course of Tuesday night, or early on yesterday morning, the store in Queen's-place occupied by Mr. J. B. Rundle was entered by means of false keys and robbed of a number of cheques and orders for money to the amount of about £35.

THE
Sydney Morning Herald.
THURSDAY, OCTOBER 10, 1850.

"Sworn to no Master, of no Sect am I."

LAW INTELLIGENCE.

SUPREME COURT.

Wednesday, October 2.

HANNAN v. COOPER AND ANOTHER.

His Honor Mr. Justice Dickinson delivered the following judgment:—

This was a motion for a new trial on the ground of misdirection by myself on the trial which took place in June last.

The misdirection complained of was, that I erroneously informed the Jury of the issue they were sworn to try.

The action was trespass—*qu. cl. fr.* In the declaration the plaintiff complained "that the defendants *broke and entered his close;*" broke open and spoiled certain gates and fences therein, and the locks, staples, and hinges of those gates; trod down the corn and grass in the said close; and *prostrated portions of the fences standing thereon.* The declaration (according a rule of this Court) instead of giving the close a name or stating its abuttals, described it by reference to a coloured plan annexed, on which were marked *two* spaces in coloured pink, divided by a narrow space coloured brown. By inspection of the plan, the two spaces coloured pink and that coloured brown appeared to be portions of the same piece of land. On the plan it is stated "that it is the one referred to by the declaration, and that the part coloured pink comprises the *locus in quo.*" On the plan the space coloured brown, is described as a portion of the highway from Sydney to Illawarra.

The defendants pleaded first the General Issue. Secondly, *as to the breaking and entering the close, and prostrating the fences,* that they entered the close because there was a highway over it, and that they prostrated the fences, because they were obstructing that way.

The Plaintiff to the latter plea replied, *De Injuriâ,* to which the defendant rejoined by the common similiter.

At the trial there was abundant evidence that the defendants on several occasions claimed a right across the close, and that on a day before the action was brought, they broke down several yards of the Plaintiff's fencing. There was evidence that there was, at some distance from the spot where the fencing was broken by the defendants, such a highway as was represented on the plan by the brown coloured space, but that it was separated by fences on either side from the two spaces coloured pink, so that the latter formed two distinct enclosures, and the way between was not only not obstructed, but was rather indicated by those fences. The struggle was to prove that the part of the fence which was broken stood on and was obstructing *another* highway over the plaintiff's close.

After referring the Counsel to Taylor v. Cole, and Phillips v. Howgate, and mentioning to them that I felt embarrassed by the replication *de injuriâ,* I told the Jury to find for the plaintiff on the first issue; and also to deliver their verdict for the same party on the second issue, unless they were of opinion that the defendants had proved a highway over the close, and that the part of the fence they knocked down was standing on and obstructing the same way. The Jury delivered a verdict on both issues for the plaintiff, with 20s. damages.

On account of this direction, the defendants during last term applied for a new trial. Mr. Foster and Mr. Darvall argued in support of the motion; the Solicitor-General and Mr. Broadhurst supported the verdict.

On argument, the learned Counsel for the defendants contended that the plaintiff, by his declaration, had merely complained that the defendants entered his close, and had trod down *some* grass and had broken down *some* fencing thereon. That the injuries to the grass and fencing were matter of aggravation; but if *substantive* as judged, then the declaration gave no information as to the positions of the broken fence and trodden grass, nor fixed the locality of the trespasses by the mention of the grass and fences. That as the plaintiff had not newly assigned, but only traversed the excuse mentioned in the second plea, his replication was in effect "that the defendants had no such excuse as they stated in their plea for *such* trespasses as they therein admitted." That the excuse mentioned in the second plea was that there was a highway over the plaintiff's close, and that the fences broken were obstructing that way. That the application *de injuriâ* did not put in issue the averment in the plea *that the defendant broke down the fences which stood on the way claimed by him.* That at the trial, the plaintiff proved that his close was fenced *all round,* and the defendants adduced evidence to go to the Jury that they had a right of way over the close, so that *some* fencing must necessarily have stood upon that way, and therefore the plaintiff should have newly assigned the breaking of the fence at any other portion of the close than on the said way. That if the plaintiff meant to contend that the defendants had broken other fencing than that mentioned in the plea, they ought to have newly assigned, or to have newly assigned and also put the defendants' excuse in issue. That if the plaintiff meant to contend that the fencing broken down, was not as complained of in the declaration on, but out of the road claimed by the defendants, he should have told defendants so by a new assignment, and not put them to the expense and trouble of proving such facts as they alleged for excess in their second plea. That although the declaration was general as to the *fences,* the plea narrowed the description of them to such portion as obstructed the way proved; and that if the plaintiff did not mean to assent to such limitation, he should have apprised the defendants by a new assignment, that his declaration embraced more than was admitted by the second plea. That the issue joined on the second plea neither comprised the commission, nor the manner of committing the trespasses mentioned in the declaration. From the direction, the Jury might have been misled into supposing that they ought to find for the defendants, unless they were satisfied that the fences broken were obstructing a highway, although the defendants proved that there was such a way over the close.

The plaintiff's counsel in effect contended that the plea alleged in substance, that the defendants had a right of way over the close, and that they knocked down the fences mentioned in the declaration, *because* they were obstructing their exercise of that right. That the obstruction of the way was clearly the matter *of excuse* set up by the plea, for if the fences were not obstructing the way, the defendants had no excuse for knocking them down. That the matter *of excuse* was put in issue by the replication *de injuriâ,* of which the gist was, as contended by the defendant's counsel, that the defendants without the *cause,* i. e., *matter of excuse* alleged by them committed the trespasses. That the plaintiff by his replication (confessedly an informal one) said in effect, "I deny your right of way, but even supposing that you have it, I deny that the fences which you knocked down obstructed it." That upon the issue, therefore, the obstruction of the way was the principal question, and the proof of it lay upon the defendants. That the necessity of a *new assignment* must depend not only upon the *pleadings,* but also on the facts of a case, as its object is to correct a probable mistake into which the defendant may have fallen by confounding the acts complained of with other acts which he has committed; and that wherever therefore a defendant *has* exercised an admitted right over a plaintiff's property, and the plaintiff afterwards brings an action against him apparently for that exercise of right, the defendant may plead his right, and the plaintiff must, by a new assignment, show that he proceeds for some act not covered by the right.

The following cases and authorities were cited and referred to upon the argument:—Sayre v. Rochfort, 2 Wm. Bl., 1165; Taylor v. Cole, 3 T. R., 292; Spilsbury v. Micklethwaite, 1 Taunt., 146; Penn v. Ward, 2 C. M. and R., 338; Timothy v. Simpson, 1 C. M. and R., 757; Baillie v. Kell, 4 Bingh. N. S., 638; Nash v. Welsh, 8 East, 394; Neville v. Cooper, 2 C. and M., 329; Phillips v. Howgate, 5 B. and Ald., 220; Cowling v. Higginson, 4 M. and W., 245; Webber v. Sparkes, 10 M. and W., 485; Bracegirdle v. Peacock, 8 Q. B., 174, and the two following cases in that volume; Bowen v. Jenkin, 6 Ad. and El., 911; Rogers v. Constance, 1 Q. B., 77; Chitty on Pleading, New Assignment.

We have considered the arguments urged before us on either side, and have consulted the authorities then cited, and also several others, and amongst them Robinson v. Gantlett, 16 M. and W., 289, to which we have subsequently here referred. Upon inspection of the plan together with the explanatory writing upon it, we think the two spaces coloured pink, with the intervening space coloured brown, might by the defendant be assumed to describe the *one* close mentioned in the declaration, and that the brown space represents a road across it; or else the defendants might have been embarrassed, by the plaintiff having in the declaration described the close by reference to a chart, containing a delineation of two spaces coloured pink, with a written explanation that the "part" coloured pink comprises the *locus in quo.* The two spaces on the chart might have embarrassed the defendants, unless (by adopting the plaintiff's assertion that they represented the locus) they were allowed to consider and deal with them *as one,* which they obviously could not do, unless the intervening space, coloured brown, was also considered as a portion of the same space in which they were. As, moreover, it appeared in evidence that the road to Illawarra from Sydney was in the direction indicated by the chart, we think that it appeared in evidence that there was *a* highway over the plaintiff's close, but not that any fences were obstructing it. We also think that it was a matter for the Jury; under the issue joined, they would have been warranted in finding that there was no way over the close at the place where the defendant broke the fences.

Upon these pleadings and with reference to the facts declared in evidence at the trial, the question has arisen, whether the issue joined on the replication *de injuriâ,* has involved not only the denial of the way mentioned in the plea, but also the alleged obstruction to it.

For the solution of the question before us, we propose to consider the nature and effect of a new assignment, as the point of the defendant's argument is, that the plaintiff should have resorted to that proceeding. A new assignment is a form of averment by which a plaintiff explains to a defendant, that though his plea may contain matter of excuse for *such* wrongs as are mentioned in the declaration, it is no answer for *the* injury therein intended to be signified. It calls on defendant to answer another *such* cause of complaint as is mentioned in the declaration, besides that which the defendant excuses by his plea. It says, "you have excused *such* a wrong as is mentioned in the declaration, but not the *same* wrong." A new assignment therefore is substantially a traverse of the *quæ est eadem,* but as it does not deny it in terms, it is obviously an exception to the rule of pleading, that every proceeding on a record should confess and avoid the whole of, or traverse in its terms a material fact in the last preceding statement. Now as "the substantial rules of pleading are founded in strong sense, and in the soundest and closest logic," we cannot be surprised that a proceeding so exceptional to them as a new assignment, should be the most embarrassing part of the whole system. This exception, however, has been engrafted on the rules of pleading, because it has been considered in some instances that the grand object of pleading, viz.:—to inform an adversary and the Court, is more likely to be effected by this breach than by the rigid observance of them. The necessity for the exception has arisen from the inadequacy of *one set of words* to indicate to a party, *which* of several transactions equally describable by it, is intended by his opponent. If in such a case a defendant offers an excuse for one of such transactions, it would be unfair for the plaintiff to make dispute depend on the defendant, proving that it was the one which the plaintiff intended to complain of in his declaration. Justice therefore demands that the plaintiff should explain to him, that he is proceeding for another than the one the defendant excuses, and give him an opportunity of answering the second instance to which he is referred. Now a defendant may *wholly* mistake a declaration, as in trespass for assault and battery, wherein the plaintiff states usually that the defendant made *an* assault on him. If in such a case, the defendant has made *two* assaults on the plaintiff, one under excusable circumstances, and another which was unjustifiable, he may, as the words of the declaration are equally applicable to both assaults, apply his defence to that for which he has an excuse. The plaintiff therefore instead of denying, in terms, that the assault justified is identical with that complained of, must explain to the defendant by a new assignment that he did not by his declaration, intend the one the defendant mentioned in his plea, but another like it. By this new assignment he tells the defendant "for the purposes of this suit I will not deny that you committed an assault, under the excusable circumstances you mention, and therefore you need not prepare yourself to prove those circumstances at the trial; but I explain to you, that by my declaration, I meant to complain of another assault than the one committed under the circumstances you have mentioned in your plea, and I now call upon you to answer the second assault by pleading to this new assignment as if it were a declaration in a second action, or a second count of the declaration in this action." Again, the defendant may apply his plea only to *part* of the wrongs intended to be signified by the declaration, by reason of the words of the latter as completely describing what may be considered the part as they do the whole. As in the case of a declaration in trespass, where the plaintiff says that the defendant did on divers days and times break the plaintiff's close, &c. The defendant may have had a right of way over the close, and therefore on some occasions may have entered on the close by using his right of way. But he may also have entered the close on parts distant from the way, for which latter the plaintiff may really have brought his action. But the language of the declaration does not inform him of that fact, for the words "the defendant broke and entered the plaintiff's close," are as applicable to one set of trespasses as the other. The defendant, therefore, in this case, may plead his right of way, and the plaintiff must explain to him by a new assignment, that the grievance referred to by the declaration was not his usage of the way, but his going over the plaintiff's close out of that way. Again, when the declaration is framed like the one in this action, the defendant may, from the language, consider that the plaintiff is merely complaining that the defendant broke and entered his close, *in such a manner,* that he broke down the fences, trod down the grass, &c. That is, he may from the language of the declaration fairly imagine, that the plaintiff has mentioned the breaking of the fences, treading down the grass, &c.—not as substantive trespasses in addition to the entering, but merely as the aggravating way in which the close was entered, for the purpose of enhancing the damages. In such a case the defendant may apply his plea to the mere breaking and entering the close, and then the plaintiff must explain by a new assignment, that his declaration was intended to comprise not only the breaking and entering the close, but also the prostrating the fences as independent trespasses.

Now the language of the declaration in this case, so far as it relates to the matters enumerated at the commencement of the second plea is, "That the defendants broke and entered the plaintiff's close, and *then*" (i.e. on the same occasion) "trod down the grass and prostrated the fences thereof." Hence the averment about treading down the grass and prostrating the fences might, we think, have been regarded by the defendants as descriptive rather of the manner of the entry complained of than of other substantive trespasses; and had the defendant so regarded that averment, he might have applied his justification to the entry alone, as that is obviously the *gist* (or principal part) of the grievances mentioned in the declaration. But the defendant has by the enumeration of trespasses at the commencement of his second plea shewed that he has considered the averment about the treading down the grass and prostrating the fences as being a complaint of substantive trespasses, independent of the breaking and entering the close, and as a justification must be co-extensive with the trespasses to which it is applied, the obstruction of the way by the fences was necessarily alleged in the second plea, and upon traverse it became necessary for the defendant to prove it. See Moupiivatt v. Smith, 2 Campb. 175, and cases cited in note, viz. Taylor v. Cole, 3 T. R. 292. Dye v. Leatherdale, 3 Milson, 20; Fisherwood v. Cannon, 3 T. R. 297; Gates v. Bayley, 2 Milson, 313; Chaseley v. Barnes, 10 East, 73. See also Gargrave v. Smith, Talk. 221; Phillips v. Howgate, 5 B. and Ald. 220; Bush v. Parker, 1 Bingh. N. S. 72; Walsh v. Harris in this Court, (May 9th, 1846); and Neville v. Cooper, 2 C. and M. 329.

Now as the defendant has treated the respective allegations about entering the close and prostrating the fences as substantive and different trespasses, there are on the pleadings before us two issues joined by the replication *de injuriâ,* viz.—the existence of the causes mentioned in the second plea. If the plaintiff had by two replications split the second plea, and so traversed the way in one replication, and the obstruction by the fences of the way in the other, then the defendant ought to have succeeded. On the first of those issues, according to Webber v. Sparkes, 10 M. and W. 485, because he proved *a* way, and in exercise of it excused an entry in the plaintiff's close. And the plaintiff has not by new assignment given the defendant the opportunity of defending his commission of such an entry in the close, as is contained in the declaration, out of the way he proved at the trial; and on the second the verdict should have been for the plaintiff, according to Bond v. Downton, 2 Ad. and El. 26, for we consider the gist of the issue evolved from the plaintiff's complaint respecting the trespass to the grass and fences was whether there was a way where the fences were prostrated. As we cannot see how the substantial denial of the matters in the second plea by the replication *de injuriâ* can make the proof of them different from that which would be required if each of those matters had been traversed in terms by separate replications, we think that the direction given at the last trial was partially incorrect, and the Jury should have been instructed to find their verdict on the issue joined by the replication *de injuriâ* so far as it related to the way for the defendant; and for the plaintiff on that issue so far as it related to treading down the grass and prostrating the fences, with damages confined accordingly.

We have considered and discussed the case of Ellison v. Isles, 11 Ad. and El. 665, with some anxiety, as there are several passages in Lord Denman's Judgment which appears to support the direction given at the trial, we do think the pleadings in that case put the parties in a position so unlike that which has been caused by the replication in this suit, that the decision has no application to the case before us. Robertson v. Ganthett, 16 M. and W. 289, might, we think, possibly, have helped the plaintiff in this cause, if the plan had described *one* of the spaces coloured pink as being the place he passed on, and that it abutted on the road to Illawarra, for by such a description the defendant would have been informed that the action was not intended to complain of anything done on that highway. We therefore think that there is nothing in either of these cases to make us disturb the opinion we have announced. But as we clearly see that the damages were given for the prostration of the fences, and that the real struggle at the trial was, as to the existence of a way where those fences were broken, we order (the plaintiff consenting) that a verdict should now be entered as we think the Jury should at the trial have been instructed. Considering the smallness of the damages and the circumstances of the whole case, we think there ought not to be a new trial.

THE QUEEN v. MARRINGTON.

In this case, which was a prosecution at the Court of Quarter Sessions for a Nuisance, sundry questions were submitted to us by the Chairman, by a Special Case, stated (or purporting so to be) under the 13 Vict. No. 8. The principal point was, whether the Defendant was properly sentenced by two Magistrates, of whom one was, not present before the delivery of the verdict; or whether he was properly tried, inasmuch as one of the only two Magistrates who were present at the first portion of the trial, was not present either at the verdict, or at the latter portion of the trial. It appeared to us, that the trial and sentence were thereby vitiated. It was objected, however, on behalf of the Court, that we had nevertheless no jurisdiction in the matter; since the Act includes only points arising, and applications made, "during the trial"—whereas no question as to the *sentence* could have arisen, until after termination of the trial, and no application respecting the mis-trial was made, in point of fact, until after the trial. We therefore directed the Special Case, in pursuance of a provision in the Act, to be sent back for amendment; in order that it might be stated therein, whether at the time of the objection made, the verdict was or not recorded.

A supplemental paper is now sent in, under the hand of the Chairman, in which, after referring to a certificate of the Clerk of the Peace, (of which, except in so far as it is adopted by, and incorporated in the said paper, we can take no notice,) he declares that, so far as his recollection serves, the statement of that Officer is correct; and that, to the best of his knowledge and belief, the verdict was recorded before the objection was made for the defendant.

It appears to us, that the submission by the learned Chairman, in the first instance, of the Special Case, was a circumstance *prima facie* importing that the trial was not, when the application was made, wholly terminated; and that, before we could refuse to adjudicate on it, we ought to have a clear and distinct statement, if not by amendment of the Case, yet in some equivalent manner, that the fact is otherwise. Now here we have no "amendment" properly so called, but a supplementary paper only. If, however, we regard this paper as an equivalent, we find no such clear and distinct statement, as we think was necessary. We cannot judicially say, as the matter now stands, that the Special Case ought not to have been submitted to us; and we must, therefore, give the defendant the benefit of our judgment on it.

That judgment is, that there was a mis-trial; and, consequently, that no sentence could legally be passed on the defendant. The statute clearly confers jurisdiction on two Magistrates only; and it seems to us as unreasonable to hold, that a prisoner is lawfully under trial, because two are present at the verdict, although not the same two who were present at any former portion of the case, or because two are present on the second day of the trial, who were not present on the first day of the same trial,—as it would be to hold, that one Judge of this Court, trying a man for murder, might abandon his post on the second day, or for the latter half of one day, a Colleague, who should eventually be succeeded by a third, by whom, in the absence of the others, the case should be summed up, and the prisoner condemned. For the Chairman of a Court of Quarter Sessions, though ordinarily (by the practice in such cases) the sole acting Judge, is in point of authority but one of two Judges; of whom, each is an essential and integral portion of the Court, without whose participation, real or implied, the jurisdiction itself would cease to be.

There will therefore be a direction issued to the Court, in this case, to vacate the judgment given; and the fine inflicted, if paid, must of course be returned.

Wednesday, October 9.

Insolvency Jurisdiction.

Before their Honors Mr. Justice Dickinson and Mr. Justice Therry.

The Chief Commissioner moved that the certificates granted to John Donaldson and Thomas George Sawkins, be confirmed. Granted.

IN THE ESTATE OF LUKE MILWARD.

The Chief Commissioner moved that this estate be released from sequestration: the estate having paid 20s. in the pound, and leaving a balance or surplus (as per plan of distribution) of £34 1/s. 6d.

Equitable Jurisdiction.

Before the same.

THE ROYAL BANK v. LAYTON.

This was a rule nisi, obtained under the Law Simplifying Act, calling upon the defendant or respondent, amongst other things to show cause why he should not account. The rule was made absolute, and the matter is now pending in the Master's office. In the mean time, the Royal Bank has been brought within the provisions of the English Winding-up Act, and one Charles William Wryghte has been appointed official manager of the Bank. The Winding-up Act points out that any suit or action pending, in which such Bank, &c., may be concerned, may be continued in the name of the official manager appointed by the Court.

The Solicitor General now applied that the present proceedings might be continued in the name of Mr. Wryghte. He suggested some doubt whether the Winding-up Act in question was in force in the colony; but still he thought, as this was a matter of practice, this Court had the inherent power to grant the motion as asked, and at once.

The Court granted only a rule nisi, in the first instance, as there appeared some doubt in the matter. The rule was made returnable next Wednesday.

SAMUEL T. HUGHES v. JAMES M'EVOY.

It may be remembered that M'Evoy during the last nisi prius sittings gained a verdict on a cheque given by Samuel T. Hughes in favour of the former, for the sum of £7,568 4s. The defendant in that action pleaded a variety of defences, such as infancy, &c.; the plaintiff therein, however, relied upon the cheque, it having been given after Hughes became of age. Hughes has given notice of new trial, which matter will come on for argument during the ensuing term.

Mr. Donnelly now moved on behalf of the complainant (Hughes) in this Court, for a rule nisi under the Law Simplifying Act, calling upon the respondent to show cause amongst other things, why the said cheque, dated the 15th of May, 1850, for the sum of £7,568 4s. should not be given up to be cancelled, and why an injunction should not be granted to restrain the respondent from proceeding in the action at law. The application was founded upon several affidavits, from which it appeared that the complainant, when about 17 or 18 years of age, became acquainted with the defendant, a tailor, who from thence began to supply him with clothes, &c., and money, although he, the respondent, was well aware that the complainant was supplied with all manner of necessaries by his parents. The complainant became of age, as he stated on the 15th of May, 1850, (though in point of law he attained his majority the day prior,) upon which day the cheque sued on was dated. The affidavits then stated the action was brought, and that the respondent obtained a verdict; they further stated that the clothes supplied by the respondent were very numerous, such as for instance as many as 126 waistcoats in one month, and many more than could have been necessary, for which too, most extravagant prices were charged. The respondent also supplied the complainant with horses, &c., also at most extravagant charges. The complainant swore that though respondent had sent in a claim amounting to the sum in the cheque, as the price for the clothes, &c., and money lent, yet that in point of fact, he never had more than £1400 worth of property for his cheque. The learned council contended, that though the cheque sued on in the Common Law side of the Court, might there be good as a ratification on the part of the complainant when he became of age, yet that the same document would not hold good in this Court; for which position he cited Brook v. Galley, 2 Atkyns, &c.

The Court on the authority of the case cited, granted the rule nisi returnable next Wednesday, but intimated, that there might be some difficulty in the way of the complainant's success, on the score of his delay in coming to this Court, he having allowed the action at common law to be tried, and run the chance of obtaining a verdict there. The present rule would not, however, prevent the motion for a new trial at the common law side of the Court from being proceeded with.

CENTRAL CRIMINAL COURT.

Wednesday.

Before His Honor Sir Alfred Stephen, C.J.

PIRACY.

John Lucas alias Joseph Lucas, and Thomas Ross, were indicted for having on the 25th of November last, piratically seized the schooner Helen.

Mr. G. A. Griffiths, formerly master of the Helen, stated that she was on a voyage from Sydney to Moreton Bay. Besides the crew there were three male passengers and two female passengers, girls of fifteen and eleven years of age. The male passengers were named respectively, Wilson, Austen, and Johnson. When they had proceeded about sixty miles on the voyage, Wilson, and a number of men with arms came aft, and forced witness with the mate and steward forward, placing them below and fastening down the hatch. Before doing this Wilson, who appeared to act as commander in this movement, asked Mr. Griffiths if there was any objection to his (Wilson's) taking command of the vessel, to which Griffiths naturally replied that he had great objection against any such proceeding. The men were all armed, both at the time of the seizure and on the following day, and these arms had evidently been smuggled on board, as they formed no part of the vessel's stores. No violence was offered to Griffiths and the other men, but they were subsequently landed near the North Cape, at New Zealand, with the two girls, from whence, by the assistance of the natives, they communicated with the nearest magistrate, and were ultimately brought on to Sydney. The prisoner Lucas had shipped on board as a seaman, and subsequently acted as mate under Wilson. Ross and a man named Ryan were concealed on board when the vessel sailed, and did not make their appearance until after the seizure of the Helen.

The evidence of Griffiths was confirmed by that of the steward. It was further shown that these men and the remainder of those who were concerned in the seizure, were captured at Upolu, by Mr. Pritchard, the British consul; on this occasion they offered no resistance, but, subsequently, all but the two prisoners in this case escaped, after maltreating the gaoler (Hibbs) in whose charge they had been placed. After the capture of the schooner, the pirates altered her paint and placed upon her stern the name of "the Pilot."

Ross called a witness to show that he had been taken on board in a state of intoxication, and there was some evidence of an admission by Ryan that Ross had been actually forced on board. It did not appear, however, that he had manifested any backwardness in joining the others in the revolt.

His Honor having summed up, the Jury found both prisoners guilty, but recommended them to mercy on account of their having abstained from violence.

They were then remanded for sentence.

BURGLARY.

Henry Cornish was indicted for having, on the 9th of September, burglariously entered the house of James Fraser, on the Parramatta-road, and with having stolen a jacket and pair of boots.

It appeared that the prisoner made his way into the house through the taproom window, and in so doing aroused the inmates of the house, by whom he was laid hold of and bundled into the street—a fiddle which was found along with him being cast after him. Prisoner was very drunk, and stated that he had received permission to come in by that way from the late Mr. Ireland, when the latter occupied the house. The articles alluded to were missing, but there was no evidence to show that the prisoner had been concerned in taking them.

The Jury acquitted the prisoner without leaving the box.

Court adjourned until 10 o'clock this morning.

George-street Market.—It has long been a subject of complaint, that owing to the congregated "cabbage tree" mob, and others of a similar description, who infest the George street Markets on Saturday evening, it has become almost impossible for respectable females to take advantage of the benefit which ought to result from a public market, and are compelled, if prevented from marketing early in the day, to purchase inferior articles at an increased price of the itinerant venders of market produce. Under these circumstances we were glad to see that a flash looking young gentleman named Heaton was yesterday prosecuted by a tradesman for having unprovokedly insulted him in the market on Saturday last. The defendant having promised to behave better in future, he was discharged on payment of costs.

DOMESTIC INTELLIGENCE.

INSOLVENT COURT.

MEETINGS TO DAY.

In the estate of John G. Bradford, a single meeting, at 11 o'clock.

In the estate of Edward Walton, a certificate meeting, at noon.

MEETING TO-MORROW.

In the estate of James Jess, a single meeting, at 10.

MULTUM IN PARVO.

(From late Australasian Papers.)

In endeavouring to find a practicable route from the Wairau to Port Cooper, in which they were partially successful, Messrs. Dashwood and Mitchell passed through some fine districts said to be well adapted for sheep.—Drum-major Vallick, of the 99th regiment, had been presented by Colonel Despard with a silver medal for good conduct and long service. On the same day, a medal was presented to private Savage, of the same regiment. The former has been twenty-eight, and the latter twenty-four years in the service.—About a year since the natives of the Waikato (New Zealand) sent to the Queen a couple of casks of flour (ground by mills erected at their own cost, and the produce of wheat of their own culture,) as an offering of their loyalty and good feeling, and as a sample of the agricultural superiority of New Zealand. Although in contravention of a general rule which forbids Royalty to accept presents, the Queen has graciously thought proper to make an exception in this particular case; and not only so, but in acknowledgment of the courteous intention of the distant donors. Her Majesty has been pleased to transmit copies of the best authenticated portraits of the Royal person.—The Anniversary Ploughing Match of the "South Australian Agricultural and Horticultural Society," came off with much competition and success.—The Commissariat contract for the supply of flour for the use of convicts in Western Australia, has been obtained by Mr. William Owen, of Adelaide. The price to be given for 20 tons of 12 per cent. flour, is £10 per ton of 2240 lbs., delivered at Port Adelaide; and for 10 tons of 20 per cent. flour, £12 per ton, delivered at the Port.—A Water Company had been started, which would supply Adelaide with water from Lefevre's Peninsula.—Sir H. Young, the Governor of South Australia, had started upon an expedition up the Murray, in order to make observations relative to the navigation of the same: and it is supposed that he will be about six weeks or two months.—There are one hundred and seventy prisoners in Melbourne gaol.—The property held by the late Captain Swanston, in the Geelong district, has been sold by order of the Derwent Bank. The sale commenced with the Native Creek sheep station, which, with 12,000 sheep, was knocked down to Dr. Hope, at 12s. a head, working bullocks, buildings, &c., &c., given in, one-half cash, the other half at 12, 18, and 27 months. 25 lots of the Barrabool Hills estate were sold, the highest sold for £6 per acre, the lowest £2 15s., average about £3 15s. One day was occupied with the sale of acre lots, on the Barrabool Hill road, at the Freestone Quarries, which brought most extravagant prices, one lot was knocked down to Mr. Highett at £140 per acre. The bidding got very slack in the afternoon, and the land sales closed early. The store in Ryrie-street was sold for £2000 to Mr. James Austin. There were several properties still for sale.

SPIRIT MERCHANTS AND BREWERS.

(From Tuesday's Government Gazette.)

Supplemental list of spirit merchants and brewers, whose registrations under the Act 13th Vic., No. 26, have been notified to the Chief Inspector of Distilleries, since the 1st September, 1850.

Spirit Merchants.

Sydney.—E. Campbell, Woods and Meehan, Thomas Wood, William Watson, John Frazer, Anthony Reynolds.

Wollongong.—Alexander King.

Scone.—Thomas Dangar, Assor and Moody.

Ipswich.—William Moore, Emily Turner, Poole and Brett.

Belfast.—W. H. Barns.

Brewer.

Sydney.—John Lord.

JOHN STIRLING,
Chief Inspector of Distilleries.

Sydney, September 30.

ABSTRACT OF SALES BY AUCTION THIS DAY.

Mr. R. Fawcett.—At his Rooms, at 11 o'clock, Boots and Shoes, Shoe Thread.

Mr. J. G. Cohen.—At his Rooms, at 11 o'clock, Earthenware.

Mr. C. Newton.—At his Sale Yard, at half-past 10 o'clock, Tallow, Cocoa-nut Oil.

Mr. Sylvester.—At his Stables, Horses, Gigs, Baker's Cart, Phaeton, &c.

Messrs. Mort and Brown.—At their Rooms, at 11 o'clock, Wool, Tallow, Hides, Sheepskins.

Mr. S. Lyons.—On the Ground, Pitt-street, between the Theatre and Mr. Moffitt's premises, opposite Mr. Samuel's, Butcher, at 10 o'clock, Building Materials.

Messrs. Pickering and Lucas.—On the Premises, Church-hill, next the Three Crowns, at 11 o'clock, Household Furniture, Wearing Apparel, and Sundries.

Mr. E. Salamon.—At his Rooms, George-street, at 11 o'clock, Jewellery, Watchmakers' and Jewellers' Tools and Materials, Telescopes, Barometers, Engravings, Oil Paintings, Pocket Compasses, China Ornaments, White Lead, Lawn Harrow, Gas Burners &c.

Mr. W. G. Moore.—At the Labour Bazaar, at 11 o'clock, the remainder of the Unredeemed Pledges.

The Railway Company.—At a meeting of the Board, held yesterday, Mr. Lamb, Dr. Nicholson, and Mr. D. Cooper, peremptorily resigned their seats as Directors of the Railway Company, and Messrs. Holt and Bradley tendered their resignations, which are to take effect from the 29th instant, on which day new directors are to be elected. The latter course was adopted by those gentlemen to prevent the inconvenience which might arise if a quorum of Directors were not in existence. It is understood out of doors that dissatisfaction with the proceedings of the shareholders at the meeting on Monday is the cause which has led to this result.

Dr. Ballow.—We have with much regret to announce the death, at Moreton Bay, of Dr. Ballow. He was resident surgeon at Moreton Bay, and on the illness of the surgeon of the ship Emigrant volunteered to take charge of the passengers by that vessel. We take the following from the *Moreton Bay Free Press*:—"It is with extreme regret, and the most painful feelings, that we announce the death of Dr. Ballow, who expired on Sunday morning last—a martyr to his professional duties. The unfortunate gentleman was a little better on the previous day; but on Sunday he had a relapse, and sunk rapidly until he ceased to breathe. The deceased had endeared himself to the people he had in charge by his great kindness and attention; and his loss will be deeply deplored, not only by them, but by the community generally. He was buried on Sunday evening, the whole of the immigrants who could attend having followed the corpse to the grave. Two more deaths have occurred since our last report, and there are two fresh cases of fever. To add to this list of horrors, an unfortunate boy of seven years of age, who had lost both his parents, has been accidentally burned to death. We are not able to furnish accurate particulars of this shocking event, but we are informed the poor lad was roasting a potatoe at one of the fires, and it is supposed that during the absence of the people at the funeral of Dr. Ballow, he unfortunately fell into the flames, and his clothes having caught fire, he lost his presence of mind, and was burned to death before assistance could reach him."

Picton.—Mr. John Boilard has been appointed keeper of the public pound in the village of Picton, in the room of Mr. Francis Walker, resigned.

Building Materials.—Mr. Samuel Lyons reminds parties who are erecting small houses, that he sells this day, on the ground, Pitt street, at 10 o'clock precisely, the materials of two shops and houses lately occupied by Mrs. Mears and Mrs. Forsberg.—*Communicated.*

We are requested to direct the attention of shippers, country dealers, and the trade, to Mr. J. G. Cohen's sale, this day, at his rooms, comprising a large assortment of assorted earthenware, well adapted for up-country stores, and shippers. Terms liberal. Sale to commence at eleven o'clock precisely.—*Communicated.*

Chinese Labourers.—It will be remembered that some three weeks ago six Chinese labourers, under agreement with Mr. Johnstone, of Annandale, were for the second time sentenced to short periods of imprisonment for illegally absenting themselves from their service. On their liberation from gaol, instead of returning to Mr. Johnstone, they set him at defiance, in consequence of which he on Thursday last took out fresh warrants for the apprehension of four out of the six absentees. On Friday they appeared before the police bench, when, Mr. Johnstone having intimated that he would be willing to cancel their agreements on condition of their refunding the amount yet due to him on account of their passage hither from China, the case was postponed until Tuesday, the defendants having intimated, through Mr. Cox, the interpreter, that they would endeavour to scrape together the money by subscription among their countrymen. On Tuesday, accordingly, they were again brought up. Three of the four were unable to raise the money, and were willing to return to their service, on which condition they were discharged; the fourth, Ahing said, that he had obtained the amount required, and wished to pay it in. To this Mr. Johnstone demurred: he was not willing to receive the money from any unless from the whole of the men, as it would prove a fertile cause of dissatisfaction to the unsuccessful man, and he should be at more trouble than enough to keep them. Ahing was then remanded until the next day, Wednesday. Yesterday the case was gone into, clearly proved, and the bench sentenced the defendant to three months' imprisonment in Darlinghurst Gaol, intimating, however, that if he should change his mind, and be willing to return to his service, before the signing of the warrant, he would be discharged on that condition. In the course of the forenoon, Ahing intimated to the bench that of two evils he would choose the lesser, and return to his service.—Two others were yesterday apprehended and brought before the bench on Mr. Johnstone's complaint, but as they expressed themselves willing to return with Ahing, and Mr. Johnstone had no desire to punish them, they were discharged on the same terms.

We are requested to call the attention of the public to Mr. W. G. Moore's sale of unredeemed pledges, to take place this day, at eleven o'clock.—*Communicated.*

NEWS FROM THE INTERIOR.

(From our Correspondent.)

PENRITH.

Police Office.—October 4: Magistrates present, Messrs Clark and Single, J.P.'s. John Booth, publican, of the Bell and Crown, Western Road, was summoned, but did not appear; proof of service was made by district constable Kendal, who stated that on the 22nd of September last, being on duty in the vicinity of the Bell and Crown, he observed the defendant had no light, as required by the Publicans' Act, and further that there was not any lamp in the iron; he called up the defendant and requested him to have the lamp lighted, to which application he got no answer, and that he stayed for the space of twenty minutes, during which time there was no lamp lighted. The Bench fined the defendant in the sum of five pounds, to be paid within ten days, or in default of payment to be recovered by distress, in the event of no recovery, two months to gaol.—October 8: Messrs. Lethbridge and Single, J.P.'s, were the magistrates present. Jane Hart was brought up on a charge of stealing, when Thomas Perry deposed: I am storekeeper to my father; on Saturday evening last the prisoner came into the store, and asked to be shown some articles, and as I was in the act of taking out a drawer, I observed the prisoner conceal a roll of ribbons; I said to Mrs. Wilday, Mrs. Hart has taken a roll of ribbon out of the drawer, when she replied, why did you not take it from her? I said that I wanted her to go out with it, as that would stop the pilfering that had been going on of late. I swear to the ribbon now produced to be the same taken by the prisoner out of our store, and the property of my father; the ribbon is what we sell at one shilling per yard. Sarah Milday deposed to being in the store of Mr. Perry, on Saturday evening last, and in company with the prisoner Hart, when Mr. Perry remarked that Mrs. Hart had taken a roll of ribbons; at the instance of Mr. Perry, I went across the road to the residence of Hart and got the ribbon from her, and brought it over to the store. The ribbon now produced is the same that was given to me by the prisoner. Two cabbage tree hats and three pair of socks were found in a paddock by some children, near to the prisoner's residence. The prisoner was committed to take her trial on the above charge at the next ensuing Quarter Sessions, at Parramatta.

The weather is very changeable, with hot sultry days, disposed to be showery.

QUEANBEYAN.

The Annual Meeting of our Parochial Association was held here last week, and was well attended.

Previously to the ordinary business being commenced, the chair was taken by Mr. Charles Campbell, and the meeting proceeded to consider the best mode of providing a glebe for Christ Church, Queanbeyan. It appeared that two glebes of one hundred acres each (the gifts of the late Mr. Campbell, of Sydney, and of his son Mr. C. Campbell), are attached to St. John's Church, Canberry (the adjoining parish), the rents of which have been hitherto received by the clergyman of Queanbeyan, but in May last, the Bishop was enabled to appoint a clergyman to Canberry, to whose use the rents will in future be applied. On the motion of Mr. Macquoid, seconded by Mr. W. Hayley, a Committee was appointed, Captain Faunce, as Chairman, to endeavour to procure a glebe, and a subscription was commenced for that purpose.

The chair was then taken by the Rev. E. Smith, and after prayer, the report of the Committee was read by the Secretary, from which it appeared that during the year a second clergyman, the Rev. G. E. Gregory, had been introduced into the district; a small church had been completed, and opened at Bungendore, and a stone school-house and master's dwelling, and which occasionally is used for Divine Service, has been erected. It appeared that the Society was out of debt, and there was a balance of £30 in hand.

Several resolutions were then moved and supported by Captain Faunce, Mr. Macquoid, Mr. C. Campbell, Mr. Thomas Rutledge, Mr. Cunningham, Mr. Armstrong, and the Rev. G. E. Gregory, and the meeting adjourned, all present being much gratified with the day's proceedings, and the prospect of the increasing usefulness of the Association.

RAYMOND TERRACE.

The nomination of a member to represent the united counties of Gloucester, Macquarie, and Stanley, took place here on Saturday.

Mr. R. Campbell, of Sydney, was proposed by Lieutenant Caswell, and it was expected he would have been returned without opposition, but after some delay, Colonel Snodgrass, the late member, proposed Mr. R. Jones, of Moreton Bay. The show of hands was greatly in favour of Mr. Campbell, but six electors were got to demand a poll.

It is supposed here, that Mr. Jones, when he finds that so staunch an anti-transportationist as Mr. Campbell is in the field, will withdraw from the contest.

ORIGINAL CORRESPONDENCE.

To the Editors of the Sydney Morning Herald.

Gentlemen,—As your report of the Hack race at Homebush, run on last Saturday, is incorrect in two or three places, may I request the favour of your altering it. Firstly, my horse, Caudle, was pulled up, in the first heat, by my instructions, as it is an established rule that no horse can be distanced "*in a hack race, with catch weights, unless specially declared,*" and not in a "*handicapped race,*" as you report. My horse, therefore, started for the second and third heats, both of which he won; and Romeo *ran honestly,* and *did not bolt,* as your report states.

As your report may tend to prejudice the racing qualities of my horse, will you oblige me by altering this in to-morrow's publication?

Your's obediently,
WILLIAM R. TEMPLETON,
310, Pitt-street, October 8.

To the Editors of the Sydney Morning Herald.

GENTLEMEN,—In my late speech in the Legislative Council on the transportation question, I alluded to the evils that system had wrought in the British Plantations a century ago; and I read an extract from the *Pennsylvania Gazette* of April 11, 1751, in which some of the crimes committed in that country by English felons were depicted.

Many of my arguments were based on the assumption that the atrocities which then raised the indignation of the British colonists in America, would prevail here, if transportation to these shores was resumed. But these arguments appear singularly inconclusive, in consequence of your reporter having omitted the article read by me. Requesting the favour of its insertion in your valuable journal,

I am, Gentlemen,
Your obedient servant,
JNO. LAMB.

Sydney, October 9.

Extract from the *Pennsylvania Gazette*, of the 11th of April, 1751.

Jeremiah Swift, servant to Mr. Hatherly, of Elkridge, while his master and mistress were gone to a funeral, quarrelled with two of their sons in the field, one aged seven the other nine years, and killed one of them by knocking out his brains with a hoe; with which he also knocked down the other, and left him for dead: though it is hoped he may recover. He then went to the house and murdered Mr. Hatherly's daughter, aged about fifteen, as it is supposed with an ax, the dead body being found horribly mangled; he was soon after taken, and confessed the facts.

Six convicts, transported for 14 years, and shipped at Liverpool, rose at sea, shot the captain, overcame and confined the seamen, and kept possession of the vessel nineteen days; coming in sight of Cape Hattaras, they hoisted out the boat to go on shore; when a vessel passing by, a boy they had not confined hailed her, and attempted to tell their condition, but was prevented; and then the villains drove a spike up through his under and upper jaws, and wound spun-yarn round the end that came out near his nose, to prevent his getting it out. They then cut away the sails from the yards, left the ship, and went ashore. But a New England sloop coming by soon after, and seeing a ship driven in the sea in that manner, boarded her, found things as above mentioned, and carried her into North Carolina, from whence a hue and cry went after the villains, who had strolled along to Virginia; they were taken at Norfolk, and one of them confessed the fact, upon which they were ordered up, about two weeks since, to Williamsburgh, for tryal as pyrates.

A convict servant in Maryland went into his master's house, with an ax in his hand, determined to kill his mistress; but changing his purpose on seeing, as he expressed it, how d——d innocent she looked, he laid his left hand on a block, cut it off, and threw it at her, saying, "Now make me work if you can."

After inserting these accounts the *Gazette* remarks that the peopling our colonies with thieves and murderers cannot but produce the most dreadful effects, the manners of the natives must be corrupted, as the horror of vice will wear off by its becoming familiar; and neither property nor life can be secured in a society of which so great a proportion have been habituated to rob and to kill, and yet, says he, we have been advised by a certain board to repeal every law that we have made to prevent our being overwhelmed by this deluge of wickedness, with this cruel sarcasm, that these laws were made against the public utility, because they prevented the improvement and well-peopling of the colonies.

DISTRESSED NEEDLEWOMEN.

To the Editors of the Sydney Morning Herald.

GENTLEMEN,—I was gratified at finding in your paper of yesterday, an useful article on the subject of the distressed needlewomen, whose case has called forth so strong a sympathy from philanthropists in England.

As we are in hourly expectation of forty-eight of them arriving here in the ship William Stevenson, I think the publication of the following extracts from a letter which has been addressed to me on the subject may be interesting to your readers and useful to the parties on whose behalf it has been written.

With this view I place them at your disposal and remain,

Gentleman,
Your very obedient servant,
THE IMMIGRANTS' CHAPLAIN.

Tuesday, October 8.

Fund for Promoting Female Emigration,
4, St. Martin's Place, London,
May 16, 1850.

SIR,—We beg to transmit you herewith a list of forty-eight women embarked on board the ship William Stevenson, for Sydney, along with twelve others who will have landed at Adelaide, and whose passage has been defrayed or assisted from this Fund. The Committee have bestowed great care upon their selection, and have satisfied themselves by personal enquiry that they have borne the most excellent characters. They are all more or less used to domestic service, and those of them who were in the Emigrants' Home, which we have opened, showed themselves very willing and zealous in their domestic duties.

* * * * *

We earnestly recommend these young women, in whose welfare the Committee take the deepest interest, to your care, feeling confident that you will readily bestow your pastoral superintendence over them, and will afford them all the assistance in your power on their arrival in the country which is to be their future home.

We shall be greatly obliged if as soon after the arrival of the ship as possible you will report to us in what state the emigrants arrived, and give us any information you can as to their success in procuring suitable situations.

We shall be glad at the same time to receive any suggestions which may occur to you, and which might be useful to the Committee in the direction of their future proceedings.

We have the honour to be, Sir,
Your very obedient servants,
(Signed) SIDNEY HERBERT.
JAMES SHERMAN.

SUPPLY OF WATER TO PARRAMATTA.

To the Editors of the Sydney Morning Herald.

GENTLEMEN,—The report of the last meeting of the Parramatta Water Committee, which appeared in the *Sydney Morning Herald*, stated that I had handed in a protest. As many of the inhabitants of Parramatta are anxious to know what the nature of that protest is; and as the subject is one of great public importance, may I request that you will give it publicity. I am more anxious that this course should be adopted as, from the language of the report alluded to, it would appear that I had abandoned my views in favour of those who entertain a different opinion, which is by no means the case; on the contrary, my views are daily gaining strength and confirmation.

I am, Gentlemen,
Your obedient servant,
JAMES PYE.

Parramatta, October 4.

PROTEST.

I, James Pye, one of the Commissioners of the Parramatta Road Trust, to whom the expenditure of the sum voted by the Legislative Council for supplying the Town of Parramatta with an adequate supply of water has been entrusted, being anxious to perform with fidelity the trust reposed in me, do, for the reasons stated beneath, PROTEST against the said funds, or any part thereof, being applied to the introduction of water into the town of Parramatta from the locality at present contemplated, near the Toongabbee Creek, in the Government Domain.

1. I have resided from my youth in the neighbourhood of the said locality, and I have always understood from others, and I am aware from my own knowledge, that the water which flows from the Toongabbee Creek, and which would form part of the contemplated supply, is brackish and distasteful.

2. So long as there exists the least doubt of the wholesomeness and purity of such an important necessary of life, it is imperatively incumbent upon those to whom this matter is intrusted, to institute a searching and patient enquiry, and not hastily to expend any part of the funds entrusted to them, until the purity and wholesomeness of the water to be supplied is established beyond the possibility of doubt or question.

JAMES PYE.

Parramatta, September 25th, 1850.

ENGLISH EXTRACTS.

THE AUSTRALIAN COLONIES GOVERNMENT BILL.

HOUSE OF LORDS, JUNE 14.

Clauses 26, 27, 28, and 29 were agreed to.

On clause 30, which gives power to Her Majesty, by an order in Council, to establish a General Assembly for the Australian colonies, on the petition of two or more of the colonial Legislative Councils,

Lord Stanley said, he had already stated to their lordships that he was opposed to this portion of the bill. The noble earl at the head of the Colonial Office had, as yet, given no reason for establishing a federal assembly and for the introduction of an entirely new principle into our colonial government; and he (Lord Stanley) could not understand on what grounds it had been adopted. It might be quite true that in the various colonies of New South Wales and Van Diemen's Land, as in the North American colonies, there were subjects of common interest on which they might desire to come to a common understanding for their mutual benefit, but it was also certain there were subjects as to which their interests would be widely different and opposed; and cases might occur of the interests of some of the colonies being overborne by the feelings of the others, and of the adoption of a course highly discordant to their wishes, and in opposition to their interests. Their lordships must consider they were not legislating for small colonies close to each other, but for a territory not less in expanse than the whole of Europe, and having districts as widely separated, climates as distinct, agriculture and modes of life as different, and products as various, as those of any two countries on the continent. Now, to introduce a general assembly to override the separate legislative bodies of all the separate colonies, without any application to that effect from the colonies themselves, seemed to him a most rash and perilous innovation. The noble earl having recited the provisions of the clause, objected that the whole constitution of the General Assembly was not left to Parliament to determine on a knowledge of the facts, but to the Secretary of the Colonies, who would have authority, by an order in Council, to settle that most important body. But, said the noble earl, we reserve a power to the Legislature to alter itself. It seemed to him (Lord Stanley) a very objectionable course first to give a certain power to the Crown, and then to give a power of appeal from the Crown's decision. (Hear, hear.) In defending the constitution of this body the noble earl could not avail himself of the precedent of the United States, because the senators were directly elected, and were not delegated by the separate legislative bodies of the different States to the senate. He was at a loss to ascertain on what principle the noble earl had proceeded in assigning the proportion of members to the different colonies. New South Wales, for instance, with 120,000 inhabitants, would return 15 members to the General Assembly; but let three small colonies, each with 20,000 inhabitants, unite, and they would become equal in weight to New South Wales, and return an equal number of members, so as to overbalance the most important of the colonies, if they thought proper. By this bill the power of legislating in new and untrodden fields by an order in Council was given to the Government, and the object was as dangerous as the means were opposed to all experience. Where was the tribunal to decide questions between the different colonies? If questions arose it would be most important to decide them in the colony, and, by communication and intercourse with the colonists, to ascertain on what points they required legislative interference; but if that was impossible, and that their common good required a common body to act for the benefit of all, let the colonists make application to the mother country, state what they wanted, what functions it would be requisite to confer on the members of the assembly; and then let the House by Act of Parliament, on the representation of the colonists themselves, establish a body exercising such functions as they from the sense of their own wants determined to bestow, and with such powers as might be requisite (and with no more than were requisite) to carry on the common affairs of all the colonies without interfering with the independent action of each. It was proposed that the legislation of the General Assembly should override the legislation of the separate colonies; but how far where its functions to go? The limits could not be defined, and this clumsy scheme had to be resorted to, that if there should be any question as to the power of the General Assembly, there should be an appeal to Her Majesty in Council; but, in the meantime, for a year, or for two years, the supreme Legislative Council would have whatever power it had thought fit to claim. The liberties and the independent legislation of the minor colonies would thus be placed, first at the feet of this new legislative authority, and next absolutely at the disposal of the Minister of the day. (Hear, hear.) He (Lord Stanley) would entreat the Government to reconsider the question whether these clauses were necessary, even for their own purpose, and required to be pressed without further knowledge of the wishes of the colonies and experience of the exigencies of the case. He thought the plan objectionable and unnecessary, and would move that this 30th clause be omitted, and those which depended upon it, up to the end of the 34th clause.

Earl Grey trusted that the House would not adopt this amendment. These clauses were proposed under a conviction that there were common interests upon certain subjects among these different colonies which would require almost immediately to be considered by some common authority. (Hear.) For instance, an act had just come home from New South Wales by which, following the example of this country, a uniform low rate of postage, 2d. or 3d. he believed, would be established over the whole of that colony; the moment it should be divided, this would lead to embarrassing questions between New South Wales and Victoria. The same remark would apply to an act which New South Wales had passed, granting a sum of money for the encouragement of steam navigation; and, unless there could be some delegation from the different legislatures in order to the discussion of matters of this kind, and if everything was to be done by correspondence, a settlement of such affairs would be almost impracticable. In the West Indies formerly there existed a general Legislature for the Leeward Islands, and its re-establishment was highly desirable, but it had been prevented by circumstances. There was another object which made some general authority desirable, namely, the constitution of a court of appeal, there being no effective appeal except to the Judicial Committee here, and the expense and delay of a reference here in every case had frequently been matter of complaint. Now, a single colony could hardly constitute an effective court of appeal, but if the colonies were joined together so as to have some common authority, there would probably be no difficulty in establishing a system by which the Chief Justices of all should meet together and constitute a court of appeal for the whole, in the manner often proposed in reference to the West Indies, where, however, there was no mode of bringing the colonies together upon the matter. (Hear.) It would be observed that the General Assembly was only to act for those colonies that desired it. He (Earl Grey) thought it probable that in the first instance it would only act for New South Wales and Victoria, which would have, in many respects, such intimate relations; in order to maintain a common tariff and the existing facilities of intercourse, arising from the absence of inter-colonial Customs' duties, it was probable that these two colonies might create some authority of this kind for themselves. It was only with certain subjects that this General Assembly was to deal, and in consequence of the discussion the other other evening he had prepared an amendment which he would move that evening, or on the report if there should be previous notice of it, enabling any Legislature applying to be included in this arrangement to require to be included only for certain purposes. (Hear.) Then with regard to Van Diemen's Land, it was improbable that the people there should wish to be included in a Customs' union with the other colonies, being separated by sea, and the productions being different; but, for postage, a court of appeal, and some other purposes, a union would be desirable. (Hear.) The noble lord objected to the wide authority which was to be given to her Majesty's Government. The mere formal regulations as to the manner of electing to the General Assembly parties who, in the first instance, would probably be little more than commissioners from the different Legislatures to regulate certain matters of common interest, might surely be left to the Government for the time being; certainly, if the noble lord (Stanley) should again succeed to the office which he (Earl Grey) at present held, much as he differed from the noble lord on many points, he should not have the slightest objection to see these regulations determined by the Government in the first instance; and the moment the new Assembly should be created it would be empowered to revise and alter the regulations. (Hear, hear.) With regard to the conflict of authority, it was scarcely possible to constitute a system of this kind without some danger of that; the only way of providing for it seemed to be, that the General Assembly should decide in the first instance, and if they exceeded their power there should be a reference to her Majesty in Council, which would be a reference to the Judicial Committee. If the General Assembly should hereafter constitute an effective court of appeal, questions arising between the different colonies might be determined on the spot by that court, as similar questions were, he believed, decided in the United States. (Hear, hear.) The noble lord had objected to the mode in which the power was to be divided between the different colonies. It would be wrong to give entirely an equal weight in the united body to each province, whatever its population; and it would be equally unjust to go by mere numbers, in which case New South Wales would for the present have an overwhelming preponderance. In the United States the difficulty was met by making population determine the number of representatives in the one House, and giving each state the same number of representatives in the other. In this case it would be inconvenient, from the distance, that a large number of persons should be deputed to the Assembly in the first instance; and, as it would not be desirable to divide them into two bodies, a sort of compromise was adopted between the two principles, and a certain weight given to each colony as a colony, and a certain weight to the population as population. At present, therefore, the number of representatives in the General Assembly would be as follows:—New South Wales, when Victoria was taken from it, would contain 171,000 inhabitants, and would therefore have four members in right of its being a separate colony, and eight in respect of its population; in all twelve. Victoria, with 51,000 inhabitants, would have six; South Australia, with 49,000 inhabitants, six; Van Diemen's Land, with 70,000 inhabitants, seven. The great guard against any mischief was, that the measure was only to come into operation at the desire of the Legislatures; it might very likely be limited to two or three in the first instance, but his firm conviction was, that for certain purposes some such common authority was necessary. Sir C. Fitz Roy expressed an opinion so long ago as 1846 that this was a matter requiring to be considered. It was not unprecedented. Long before the American war something of the kind had been adopted in that country, and Franklin had the following passage upon it:—

In 1754, war with France being again apprehended, a Congress of Commissioners from the different colonies was by an order of the Lords of Trade, to be assembled at Albany, there to confer with the chiefs of the six nations, concerning the means of defending both their country and ours. In our way thither I projected and drew up a plan for the union of all the colonies under one Government, so far as might be necessary for defence and other important general purposes. As we passed through New York, I had there shown my project to Mr. James Alexander and Mr. Kennedy, two gentlemen of great knowledge in public affairs, and, being fortified by their approbation, I ventured to lay it before the Congress. It then appeared that several of the commissioners had formed plans of the same kind. By my plan the general government was to be administered by a President-General, appointed and supported by the Crown; and a Grand Council to be chosen by the representatives of the people of the several colonies met in their respective assemblies. The plan was agreed to in Congress, but the assemblies of the provinces did not adopt it, as they thought there was too much prerogative in it; and in England it was judged to have too much of the democratic. The different and contrary reasons of dislike to my plan makes me suspect that it was really the true medium, and I am still of opinion it would have been happy for both sides if it had been adopted. The colonies so united would have been sufficiently strong to have defended themselves; there would then have been no need of troops from England; of course the subsequent pretext for taxing America, and the bloody contest it occasioned, would have been avoided.

His (Earl Grey's) firm conviction was, that if these clauses were adopted, they might not have any extensive or very important alteration in the first instance, but they would be the beginning of a system which would swell and develope itself with the growing wants of these colonies, and tend to bind them into one great nation, intimately and closely connected with this, and subjects of the British Crown. (Hear, hear.) He believed, that if we did not provide, before difficulties and disputes and questions arose, some mode of solution, we should have infinitely greater difficulty afterwards in bringing different parties to concur in some arrangement that would be fair to all. (Hear, hear.)

Lord Wharncliffe was understood to admit that the alteration proposed by the noble earl would make a material difference; but it was to be observed that these delegates, if so they could be called, would not meet on the same footing, and that some members would have a general commission and others a limited, and some would have a commission to discuss subjects on which others must sit silent. (Hear, hear.) There were strong objections to premature legislation, and there seemed no present necessity for dealing with this branch of the subject. It was not proposed that the colonies should adhere to the regulations laid down; under the 31st clause the Assembly could alter its constitution, and demand new power. It was not likely that a small colony entitled to five or six members would consent to be united with one entitled to many more. Surely it would be desirable to postpone altogether this portion of the bill: Parliament would come to the subject hereafter better furnished with information, and better able to judge than at present. (Hear.)

Earl Granville would remind noble lords who thought this premature legislation of the topics to which the noble earl (Earl Grey) had alluded to—the postage question, and differing Customs' duties. The intention of the clause was, to give the colonists the option of sending delegates to the General Assembly. With regard to the power given to the General Assembly by clause 31, to supersede or alter the rules prescribed concerning the election of members of the House of Delegates, and the conduct of the business of the Assembly, he thought it would be impossible for the Assembly to work unless it possessed powers of that description. The noble lord opposite had on this and other occasions strongly objected to the proviso that no such law should take effect until it had been confirmed by order of Her Majesty in Council, but he (Earl Granville) considered it advisable to leave with Her Majesty the power, acting under the advice of her Ministers, of approving, or disallowing, or modifying any change in the colonial constitution which might be adopted by the Assembly.

After some observations from the Earl of Harrowby, which were inaudible in the gallery,

Earl Grey said that the 32nd clause very clearly defined the powers of the General Assembly, but he thought it would be unfair that New South Wales, which possessed a population three times as numerous as that of Victoria, should not have a larger representation than the colony of Victoria.

Lord Kinnaird considered that their lordships had sanctioned a very dangerous measure in assenting to that clause of the bill which established only one legislative chamber in each of these colonies (hear, hear), for he believed that the very first thing the colonists would do would be to endeavour to alter that constituton. He believed the object of the colonists would be to get rid of the Government nominees; and if they succeeded in that object, and applied to the home Government to confirm the new constitution, it might be found very difficult to refuse their request. He thought there would be great danger in passing the 31st clause, for it would virtually give the whole control of the government of the colonies to the Colonial Secretary for the time being. He believed that few of their lordships entertained more liberal opinions than he did, but he had some fear of democracy, and especially when he considered the source from which the population of many of the Australian colonies had sprung. He feared that, if this bill passed, some of their lordships might live to rue the day when they had given power to a convict population—for that was the character of the population in some of these colonies—to form constitutions according to their own views. He hoped, however, that his fears on this head might be groundless, not only for the sake of this country and of our colonial empire, but for the character of the noble earl (Earl Grey), whom he considered, from his comprehensive views, as a statesman peculiarly fitted for the present day; and he should regret that the name of that noble earl should be coupled with any measures relating to the colonies which proved unsuccessful. The noble earl had, in his opinion, effected a great improvement in the bill by the alteration he had made in the franchise; and he thought the measure would not be damaged if the noble earl would consent to postpone these clauses, if not to omit them altogether.

Lord Lyttelton would support the amendment, for he considered the Australian colonies were not yet ripe for the General Assembly proposed by this bill. He asked their lordships to postpone such legislation until they saw some necessity for it, or until it was asked for by the colonists themselves, for he believed these clauses were opposed to the feelings of the colonial population.

The committee then divided, when there were—

For the amendment	22
Against it	23
Majority against the amendment	1

The clause was then agreed to.

On our readmission to the gallery, we found

Earl Grey stating that he intended, on the report, to move the addition of a proviso to one of the clauses, enacting that when the legislative councils of any colonies in their address for the establishment of a General Assembly desired that certain subjects, so far as these colonies were concerned, should be excepted from the decision of that assembly, the General Assembly should not have power to make laws on such subjects affecting those colonies.

Lord Stanley said he would not now discuss this amendment, but it seemed to him that it would lead to great difficulty, for some members of the General Assembly might have power to legislate on post-office affairs, or on commercial questions, while other members would have no authority to interfere with such matters. The 32nd clause of this bill provided that the General Assembly should have power to make laws for the formation of roads, canals, or railways traversing any two or more of the colonies. It might raise the sums necessary for such works by an equal per centage on the revenues of all the colonies. If then, a road or a railway was constructed, traversing a portion of the colonies of New South Wales and Victoria, the colonies of Van Diemen's Land and Western Australia might be called upon to contribute to those works in equal proportions with the former colonies, although they would derive no benefit from them. It must be remembered also, that from the difference of population the contributions of Victoria would be small, while those of Van Diemen's Land—a colony which would derive no advantage from such works—would be very considerable.

Earl Grey was understood to say that the provision was only intended to apply to purposes in which the colonies had a common interest.

Lord Stanley said, suppose a lighthouse were erected at Sydney, of what advantage would it be to the people of Western Australia? Yet under this bill they might be taxed for such a purpose. It would be just as reasonable to tax the people of this country for the erection of a lighthouse at Constantinople.

Earl Grey observed that the clause merely gave a power to the general Legislature to appropriate from the colonial funds sums required for common purposes.

Lord Stanley then read the clause at length, and said he considered its provisions extremely objectionable.

Earl Grey said it was certainly very difficult, in constituting an authority such as this, to devise words which should altogether preclude abuse; but the distinct object here, as in the creation of all representative bodies, was the creation of a body that should deal fairly by the whole country. He admitted that it might be expedient to introduce a proviso that colonies not equally interested in any work should not be equally taxed for its construction.

Lord Stanley pointed out that the objection would be that the representatives of colonies not at all interested in a particular work might vote its construction by other colonies; the representatives of Western Australia, for example, voting the construction of a railway by the people of New South Wales.

The Earl of Carlisle observed, that the objection suggested equally applied to all representative bodies. Upon the noble lord's principle English and Scotch representatives had no business to vote upon an Irish railway bill.

The clause was agreed to, as were clauses 33 and 34.

Upon clause 35,

Earl Grey stated, that upon a reconsideration of his former views as to the effect of this clause upon the nominee members of councils, he had deemed it expedient to leave out certain words, so as to modify the powers of the governors and legislative councils of the respective colonies in this particular.

Lord Stanley said, that upon the understanding that it would be open to him to discuss the point on a future occasion, he would let the clause pass now, preferring to have the opportunity of first considering the bill as printed in its amended form.

The clause was then agreed to, as were the remaining clauses, and their lordships resumed.

THE BANK OF AUSTRALASIA.

(From the Morning Chronicle, June 18.)

YESTERDAY the sixteenth annual general meeting of the proprietors was held at the offices in Austin-friars, Mr. J. S. Brownrigg, Chairman of the Board of Directors, presiding. There was a numerous attendance.

Mr. Milliken, the Secretary, read the Directors' report, which was as follows:—

In laying before the proprietors the sixteenth annual report upon the affairs of the bank, together with the usual statements of the accounts at the yearly balance of the 15th October, 1849, the directors have the pleasure to state that satisfactory progress has been made in the colony towards realizing the debt due by the Bank of Australia, and to express their conviction that the whole amount of judgment will in a moderate space of time be paid: they have therefore brought to account the amount of interest and costs recovered at Sydney, namely, 65,182l. 5s. 1d.

Against the few English shareholders of the Bank of Australia who have declined to enter into terms of arrangement, the directors have steadily pursued their course; and, although they have been met by every device that legal ingenuity could suggest, they have, in the only case which has been heard, obtained the unanimous judgment of the Court of Common Pleas, overruling all the objections that had been raised, and leaving the only point for decision the simple question of fact, whether the party sued be a shareholder or not. The directors have since come to terms of compromise in the case referred to, and are still ready, as they have always been, to make arrangements with the other parties against whom proceedings are pending.

In the tenth paragraph of their report last year, the directors stated the extent, according to the best estimate they were able to make, of the probable losses of the bank in addition to the sum then available as the balance of the Bad Debt Fund; and, acting upon that view, the following will show the result:—

At 16th October, 1848, the estimated deficiency, after applying the Bad Debt Fund of 82,018l. 15s. 7d., was	£ 49,009 10 10
Against which has been placed the Interest on the Bank of Australia Debt and Costs	65,182 5 1
Leaving a surplus according to that estimate of	£ 16,172 14 3
To this are now to be added—	
The net profits in the colonies, and in London, for the year ending 15th October, 1849, after deducting expenses of management, 54,330l. 0s. 11d.—Less irrecoverable debts, written off in the year in the colonies, in excess of former estimates, 6294l. 17s. 8d.; and dividend of 12s. per share 1st October, 1849, 13,500l.: 19,784l. 17s. 8d.	£ 34,545 3 3
Leaving a balance at 15th October, 1849, of	£ 50,717 17 6

ASSETS.—Government stock, specie, and cash, 448,352l. 3s. 5d.; Bank premises, 24,299l. 1s.; bills receivable and other securities, 1,299,882l. 18s. 5d. Total, 1,772,534 2s. 10d.

LIABILITIES.—Capital, 900,000l.; circulation, 106,465l.; bills payable, and other liabilities, 245,423l. 4s. 2d.; deposits, 469,928l. 1s. 2d.; profit and loss, 50,717l. 17s. 6d.; total, 1,772,534 2s. 10d.

The directors, since their report in June last, have received advices and valuations from the colonies, which lead them to anticipate a considerable addition to the losses then estimated by them upon old dependencies, not however to such an extent as to render it necessary to interrupt the payment of dividends, although the effect must be to continue a low rate longer than had been hoped and expected. The disappointment which is felt at the result of the estimates referred to, has determined the directors to abstain for the future from laying any fresh valuations before the proprietors, but to write off the actual amount of loss ascertained as each dependency is wound up. They have also resolved to appropriate the surplus yearly profits, after paying dividends, to meet such contingencies; and as the current business of the bank is of a healthy, profitable, and improving character, the directors entertain a confident hope that ere long they will be justified in increasing the dividend to 4 per cent. per annum; but they are of opinion that this rate should not be exceeded, until the securities held by the bank are either realised, or all question as to their depreciation set at rest. The October dividend, however, will be continued at the present rate of 12s. per share, free of income tax.

The Chairman then rose and said: The first subject touched upon in the report was the state in which the debt of the Bank of Australia stood, and which the directors considered to be a subject of congratulation after so much labour, anxiety, and suspense. It was there stated that the directors did not entertain any doubt of the realization, within a moderate period, of the whole of the debt; so much so that the directors had no doubt in their mind that they might with perfect propriety and safety bring into the account the interest and charges upon it, which were stated in the report to amount to £65,182. (Hear, hear.) In the last annual report, although there was an extended balance of the Bad Debt fund of considerable amount, the directors considered it their duty to tell the proprietors then that having been enabled, or rather having undertaken, to frame an estimate of their probable losses, they believed the amount would be about, as they had stated, £49,000, or, in round numbers, £50,000. The directors had, in their present statement, started with that amount as the estimate of the deficiency which they then gave; but at the same time the directors told them, when that estimate was made, that they had also to bring to the credit, at some future time, the interest of the debt of the Bank of Australia. That had now been done, and it was so far wiped out of the estimated amount of deficiency, and left a surplus of £16,172. They, therefore, on October 15, 1849, at the close of their books, and to the period of the accounts they were now exhibiting, had an available balance of £50,717. The report stated the reason why the directors did not think they were justified in saying that that amount could be considered free and available for the purposes of distribution: but following out the estimates that had been submitted to the proprietors, the directors were of opinion that it would be sufficient to cover anything they had estimated at the time the statement was laid before them, in June. The various alterations that had taken place in the valuation of property were adverted to in the report, and pointed out most strongly to the directors, and they showed how undesirable it was even with the information that they had, to hazard the submission of these estimates to the proprietors—but they believed now that as regarded the amount of their losses, heavy as they had been, from the unfortunate state of the colony for several years, they were safely seeing their way to an end of them, and that in a moderate space of time, by spreading the further contingencies that might arise against any realization of these properties over the current half-yearly account, that they could hope to accomplish it. The directors were of opinion that this would be found the wisest course they could adopt; and both he and his colleagues hoped they would be able ere long not only to pay the dividend of four per cent. they spoke of, but that any clog that might remain on their surplus profits would be in a moderate space of time removed. (Applause.)

Mr. Mudge was disappointed in not finding that the profits were larger, and wished to know how all their losses had been sustained.

The Chairman said, unhappily there was no denying the magnitude of the losses they had sustained, but these losses had been the effect of old transactions. Properties had been taken which were believed some years ago to have been worth nearly equivalent to the debt. Gentlemen acquainted with the colonies knew that these properties had been going down in an extraordinary manner, so that debts that might at one time have been estimated as good, or a large portion of them, as good, had been reduced in value, and the securities for them had so fluctuated, that they were no longer justified in giving an estimate of them beyond the amount they submitted last year. There had been no increased losses to speak of; and with regard to the profits, the appearance of them would have been greater but for one reason. Some of these properties, he was sorry to say, ever since they had been in the Company's possession, had, from the low price of produce, actually been worked at a loss, and the directors had thought it right not to let that go in aggravation of the amount of the previous debt, althought it had actually been deducted

Mr. Sergeant Gaselee complained that the report was wanting in detail. There should be a debtor and creditor account of all items. The account spoke of "bills receivable and other securities, £1,299,882." This was exceedingly vague. What did "other securities" mean? He had some questions to put on this subject, and wished to know how much of the above sum was for bills receivable, which had not yet become due—how much was for bills due and unpaid—how much for property taken in Australia—how much for overdrawn accounts—how much for money lent on property in Australia—how much for money lent in this country—how much was with security and how much was without, and to whom? Had the directors nothing to tell them about the effect that mines, and railways, and steamboats would have on their property in Australia? Unless they could double their income of £50,000 a year, they had better shut up shop (laughter.) He regretted that Mr. Forster was going to leave the direction. Mr. Hart appeared to be one of the gentlemen who had led them into all these difficulties.

The Chairman said it was quite erroneous on the part of the learned sergeant to attribute all their losses to Mr. Hart, as the great bulk of them took place before he was employed in connexion with the company, and for which he was in no respect responsible. The accounts were presented now exactly in the same shape that they were during the last sixteen years; but if any modifications were required, the directors would be happy to do it. It would require a perfect analysis of the accounts to answer all the questions propounded by the learned sergeant. The £1,300,000 comprised the whole of the assets of the Company not entered under any other head. They had made a commencement in realizing the whole of the properties that hung so heavily on their hands. The directors could not hold out any positive expectation that the £50,000 would be sufficient for all loss.

Mr. Oliver Farrer, a director, stated that they could not form any adequate estimate, and that the amount of loss could not be known until the properties were realized, seeing that what they had already realized turned out worse than was expected. The directors concealed nothing, but promised them that in a short time their dividend would be increased, and told them that the probability of loss for the future was not so great as to stop their present dividend.

Mr. Borrodaile thought the prospects persented in the report were anything but gloomy, and that with the expectation held out by the directors of four per cent., he thought the proprietors ought to be satisfied with the management of their affairs.

Mr. Forster was of opinion that the report was not unfavourable, and thought that at the present time it was imprudent to press certain questions. He retired reluctantly from the direction, and would give the Company his best assistance.

Mr. Goodall having seconded the report, it was carried unanimously.

Mr. Sergeant Gaselee then proposed that in future the directors be requested to lay before the proprietors more detailed accounts of the receipts and expenditure of the Bank, and send to each the half-yearly report seven days before the meeting.

Mr. Wotton seconded the proposition.

Mr. Meek opposed the motion. He felt satisfied that as soon as they wiped off their old losses they would have a fair remuneration for their capital, and the present price of their shares in the market was no indication whatever of their value.

Mr. Sergeant Gaselee's resolution was then put and negatived by the whole meeting, as against six in its favour.

Mr. D. Henriquez was then elected a director and Sir George Carroll, Sir A. P. Green, and Mr. Oliver Farrer, were severally re-elected directors.

A vote of thanks was passed to the Chairman and directors for their services, and the meeting separated.

MARRIED.

At Brighton, on the 19th of June, Colville Hyde, Esq., of Syndale Park, Kent and Ardwick, Lancashire, to Charlotte Amelia, third daughter of General Sir Ralph Darling, K.G.H.

FANCY DRESS BALL.

MR. J. CLARK begs to announce that a FANCY DRESS BALL will take place at his Rooms, Elizabeth-street North, on FRIDAY next.

Tickets may be had at his residence.

October 4. 6553

"Render unto Cæsar that which is Cæsar's."

A GENTLEMAN unknown having called at my house during my absence at the Supreme Court on Monday last, and having left a Cheque upon the Bank of New South Wales, signed Thomas Chowne, in favour of Mr. Thomas, for the sum of five pounds (£5), stating that it was in reference to the loss of some vessel, and as there is some mistake, if the party will call upon the undersigned it will be returned, by paying for this advertisement.

HENRY THOMAS,
Undertaker,
6538 King-street West.

[ADVERTISEMENT.]

To the Editor of the Melbourne Argus.

Bourke street, September 28, 1850.

SIR,—I enclose, for the information of your readers, some correspondence which I have had with the Government in reference to the removal of Mr. Alderman Thurlow, of Sydney, from the Commission of the Peace.

It will be recollected by many of your readers, that about two months ago, the subject of Mr. Thurlow's removal from the Commission of the Peace was brought under the consideration of the Legislative Council, upon the motion of Mr. Nichols, member for the Northumberland Boroughs, when the course pursued by the Government in the matter was approved of by the large majority of 21 to 5, the following being the resolutions arrived at:—

1.—That this House having had under consideration the papers and the circumstances connected with the removal of Alderman Thurlow from the Commission of the Peace, is of opinion that the Executive Government was fully justified in the course adopted.

2.—That this Council is further of opinion, that *the correct principle* now for *the first time applied* by the Government in Mr. Thurlow's case, with reference to the magisterial office, *ought to be applied generally to all legal practitioners similarly situated.*

I may remark, that *Mr. Moor*, one of the members for this district, *voted in the majority on the occasion, as did also the whole of the Government members present, both official and non-official.*

The cause of Mr. Thurlow's removal from the Commission of the Peace, as shown in the official correspondence laid before the Legislative Council, was "for having acted as a practising attorney in a criminal case, instituted in the Police Court, in which he was in the habit of sitting in his magisterial capacity." It appears that on the 26th March last, a publican named Patrick Erwin was given into the custody of the Sydney police by a drunken man who charged him with having robbed him of £40. Alderman Thurlow, who had been the prisoner's solicitor for fifteen years previously, was immediately sent for, and on his arrival procured bail for the prisoner, which was taken by another magistrate. On the following day the case came on for hearing at the Police Court, when the Alderman attended as the prisoner's attorney, and on his committal for trial at the Supreme Court, still continued to act in that capacity. This was the sum and substance of his offence: there were other matters at first mixed up with it, but as these were subsequently abandoned, and the question narrowed to the mere acting as a practising attorney in a criminal case, it is not necessary that I should enter farther into the details.

The matter was brought under the consideration of the Government by the Attorney-General, who, after detailing the circumstances, remarked as follows:—

"It seems to me that no magistrate ought to be allowed to practise as an attorney in any case that comes before the Police Office, and if he does so, (as Alderman Thurlow has done in Erwin's case,) he should be superseded in the commission of the peace. If a practising attorney be permitted to act in any criminal case initiated at the Petty Sessions, either during its progress at the Police Office, or subsequently at the Superior Court, there must be an end to all confidence in the proper administration of justice."

Mr. Thurlow was in consequence called upon by the Government for his explanation, when he acknowledged having acted as Erwin's attorney on the occasion referred to, winding up his letter as follows:—

"I may observe that I have not practised in any Police Court since I have had the honour of a seat on the Bench, except in the present instance, although I find others have done so during the time they have been in the Commission of the Peace, and *I am at a loss to understand why I should be the first to be singled out by the Attorney-General for a recommendation to his Excellency to be superseded on that account.*"

The subject was again referred to the Attorney-General, who stated that as it was not denied that the Alderman had acted as a practising attorney in a criminal case in the Court in which he was in the habit of presiding as a magistrate, he could only repeat his opinion "that such a practice should not be sanctioned by the Government, or passed over in such a case as the one in question." The hon. and learned gentleman, however, further remarked as follows:—

"Since I wrote my former letter, I have learned from the reading of the Minutes of the Annual Licensing Meeting of *the last year* for granting Publicans' Licenses, that Patrick Erwin's License was then opposed by some persons residing in his neighbourhood, on nearly the same grounds that now appear against it, and which at the present meeting caused his application to be withdrawn. A day was fixed for the hearing of the objections, but it appears (by published letters of the objectors, owing to the neglect of some one,) that they *had no notice of the day fixed and did not attend.* However it appears by the recorded Minutes that Alderman Thurlow not only voted for his client on that occasion, but seconded the motion "that the license be granted." As Alderman Thurlow states in his letter "that it is well known that for the last fifteen years he has been the attorney for the prisoner Erwin, and constantly employed by him in extensive transactions in that character"—on his showing it is plain he was his attorney *then, when he thus voted and adjudicated in his favour*, and I would ask under such circumstances "*it being so well known that he was Erwin's attorney for the last fifteen years,*" if any exhibition could be more calculated to shake public confidence in the impartiality of the Bench.

"Referring again to Alderman Thurlow's conduct in the case of robbery against Patrick Erwin, I think there are some circumstances particularly objectionable. As an Alderman and Magistrate of the City, he has been a prominent member of the Bench, and should have been the more careful to maintain its dignity, and to uphold its character for judicial impartiality, and it appears to me that no man competent to form a correct judgment on such matters would hesitate to say, that these ends are not likely to be attained by his visiting an imprisoned client *professionally* in a common watch-house, connected with his own judicial office; and then applying to a Magistrate and brother Alderman to take bail when he had no legal power to do so, (for there is no doubt of the illegality of it,) and the illegality of which Alderman Thurlow might reasonably be expected to know, and then acting as his Attorney at the Petty Sessions, and subsequently *on the same day* having acted as a Magistrate in other cases.

"Alderman Thurlow states in his letter 'that others have practised in the Police Court during the time they have been in the Commission of the Peace,' and he is at a loss to know why he should be singled out by the Attorney-General for a recommendation to His Excellency to be superseded in the commission." As there are only two other Attorneys in the Commission of the Peace that I am aware of, namely, Alderman Allen and Councillor Josephson, I think it is due to those gentlemen to say, that Alderman Thurlow must be in error, for I have made every enquiry, as well from those gentlemen themselves as from other sources, and I am satisfied the statement as regards them, is incorrect and unfair."

"I have only discharged my duty in bringing the matter before His Excellency the Governor, and stating my opinion that Alderman Thurlow should be superseded in the commission of the peace. Had any professional gentleman acted in the same way, I would 'have singled him out' for a similar recommendation. If I had acted otherwise I would not have acted up to what I conceive to be my public duty.—I have, &c."

The subject was then brought under the consideration of the Executive Council, and the result was communicated to Mr. Thurlow by the Colonial Secretary in the following terms:—

"I am directed to inform you that it has been considered expedient to supersede you in the Commission of the Peace, and in apprising you that a supersedeas has been issued accordingly, His Excellency has desired me to state to you the grounds on which he has deemed it his duty to take this step under the advice of the Attorney-General, namely, for having acted as a practising Attorney in a criminal case, instituted in the Police Court, in which you were in the habit of sitting in your Magisterial capacity."

When the subject was brought under the consideration of the Legislative Council, the mover Mr. Nichols remarked, that, "it had been said by a high authority—no other than the Duke of Wellington, that it was the duty of every man to watch well the administration of law and justice in the country," and the Attorney-General, in his reply said, "with regard to the principle laid down by the honorable mover, he would at once assert, that not only did he not dissent from, but that he cordially agreed with him in the opinion he had expressed, that it was the duty of that House, and of every upright citizen to watch most jealously the administration of justice."

Now if this principle be correct, and who will attempt to deny the fact, I should certainly not have been discharging my duty as an upright citizen, if I suffered Mr Thurlow to be "singled out" and punished for an offence which I saw others openly committing, for if the fact of a magistrate acting as an attorney in a criminal case, is "calculated to destroy confidence in the administration of Justice" in Sydney, and is such a practice as should not be sanctioned or passed over by the Government, then I cannot see how it can be different here. I deemed it my duty, therefore, to address the Government on the subject, and the following is the correspondence which took place:—

Melbourne, 22nd July, 1850.

Sir,—I observe from the correspondence in the case of Mr. Alderman Thurlow, of Sydney, forwarded to the Council with your Excellency's Message No. 20 of the present session, and printed by order of the House, that your Excellency has deemed it to be your duty, under the advice of the Attorney-General, to supersede Mr. Alderman Thurlow in the Commission of the Peace, for having acted as a practising attorney in a criminal case, instituted in the Police Court, in which he was in the habit of sitting in his magisterial capacity.

It is not my wish, in any way, to impugn the propriety of your Excellency's decision in this case, nor do I feel disposed to differ from the learned Attorney-General's opinion, that for a practising attorney to act as such in any criminal case initiated at the Police Office, is calculated to destroy confidence in the administration of justice. *But as it is a manifest injustice that Alderman Thurlow should be singled out for supercession in the commission of the peace for this cause when there are other gentlemen of the legal profession in the colony who have, like him, practised in the Police Court, where they are in the habit of sitting in their magisterial capacity, against whom it has not yet been considered expedient to issue a supersedeas*, I feel it to be due both to your Excellency and to Alderman Thurlow, to apprise your Excellency of the injustice which has been done, in order that such steps may be taken for the rectification of the wrong as may be considered proper.

There are, or rather there were, till within a few weeks back, three gentlemen of the legal profession practising as such in this city, in the habit of sitting as magistrates in the local Police Court. These gentlemen were Messrs. Robert Williams, Pohlman, and Sydney Stephen, barristers-at-law, and Mr. Moor, an attorney, solicitor, and proctor of the Supreme Court of this district. Mr. Pohlman has never, that I am aware of, acted professionally in any criminal case in the Police Court, but both the other gentlemen have done so, *Mr. Stephen* particularly, *very frequently*. The notorious "Kestrel case," which was a charge of manslaughter of a Lascar on the high seas, under alleged circumstances of great atrocity, upon which the master and chief officer of the barque Kestrel were committed for trial by the local Police Bench, is a case in point, *as Mr. Moor appeared for the captain and Mr. Stephen for the chief officer, in the initiatory proceedings, and both gentlemen were in the habit of sitting as territorial magistrates in the Court in which the proceedings were instituted.*

There is also a very strong similarity in the course pursued by both gentlemen in the case referred to with that of Alderman Thurlow, for it is made matter of complaint against the latter gentleman, that he visited an imprisoned client *professionally* in a common watch-house, connected with his own judicial office, and in the case referred to Messrs. Moor and Stephen both complained, in open court, of an order made by his Worship the then Mayor, which had precluded the professional advisers of the prisoners from having access to them while confined in one of the watch-houses of the city. *Mr. Moor's case is also analogous to that of Alderman Thurlow in another respect, inasmuch as he is one of the licensing justices for this city, and in that capacity has frequently adjudicated in favour of applications for publicans' licenses made by his own clients.*

I should state that Mr. Stephen, though his name still remains in the Commission of the Peace, has recently left the colony, having been appointed one of her Majesty's Judges at New Zealand. Mr. Moor is yet in the colony, and he is still a magistrate of this city.

In conclusion, I may be permitted to observe, that it is not my wish to suggest what course should be taken by your Excellency in this matter, but justice to Mr. Alderman Thurlow imperatively requires either the restoration of his name to the Commission of the Peace, or that all other professional gentlemen, who have acted in the same way as he has done, should be similarly dealt with. I have the honour to be, your Excellency's most humble servant,

WILLIAM KERR.

His Excellency the Governor.

Superintendent's Office,
Melbourne, 23rd July, 1850.

Sir,—I have the honour to acknowledge the receipt of your letter of yesterday's date, enclosing a communication addressed to His Excellency the Governor, on the subject of the issue of a writ of supersedeas, removing Mr. Alderman Thurlow from the Commission of the Peace, and to state that the letter in question will be forwarded to its destination by the present trip of the Shamrock.

I have the honour to be, Sir, your most obedient servant,

(For the Superintendent.)
EDWARD BELL.

Mr. William Kerr, Melbourne.

Superintendent's Office,
Melbourne, 27th September, 1850.

Sir,—Referring to my letter of the 23rd July last, in reply to that which you addressed to me on the 22nd of that month, respecting the removal of Mr. Alderman Thurlow of Sydney from the Commission of the Peace; I beg leave to forward for your perusal the annexed copy of a letter which I have received from the Honorable the Colonial Secretary, with reference to this subject. I have the honour to be, Sir, your most obedient servant,

C. J. LA TROBE.

WILLIAM KERR, Esquire,
Melbourne.

[COPY.]

Colonial Secretary's Office,
Sydney, 19th September, 1850.

Sir,—I have the honour to receive your Honour's letter of the 22nd July last, No. 325, transmitting a communication from William Kerr, Esquire, who, after adverting to the recent removal of Mr. Alderman Thurlow, of Sydney, from the Commission of the Peace, represents that Mr. Henry Moor, J.P., is in the like habit of practising professionally as an Attorney in the Police Court at Melbourne, where he also sits in his Magisterial capacity.

2. I am now directed by the Governor to inform your Honor, that having called upon Mr. Moor to answer the statement of Mr. Kerr, and having consulted with the Attorney-General thereon; His Excellency considers that Mr. Moor's explanation in the matter is quite satisfactory.

3. Your Honor will be good enough to apprise Mr. Kerr to the above effect.—I have, &c.,

(Signed) E. DEAS THOMSON.

His Honor the Superintendent
of Port Phillip.

I do not know what may be the nature of the "satisfactory explanation" Mr. Moor has given to the Government, but this I do know, that if the fact of his having acted as a practising attorney in a criminal case, instituted in the Police Court, in which he was in the habit of sitting in his magisterial capacity was denied by Mr. Moor, he grossly deceived the Government; if, on the other hand, he has acknowledged the fact (as I presume he must), *then it is very clear that justice has not been meeted out with the same bushel to Mr. Alderman Thurlow and Mr. Henry Moor, M.C.*

I am, &c.,
WILLIAM KERR.

FOR SALE.—The Abbotsford Estate, (Picton) containing 3000 acres, more or less, 400 acres cleared and subdivided, the whole within a ring fence, a substantial brick house, containing 10 rooms, dining room 27 feet by 18 feet, two rooms, each 18 by 16, and other large rooms, kitchen detached, dairy and a large barn, 6 stalled stable, coach house, large stock and milking yards, and a never failing stream of excellent water, with a well stocked orchard. Apply to MR. HOWEY, 4, Trinity-place, Argyle-street; or to MESSRS. BROWN AND CO., George-street. 6240

FOR SALE.—A superior Sheep Run, extending over between 40 and 50 square miles of well grassed, sound rolling hills, free from scrubs or swamps, being all good feeding ground. It will carry from ten to twelve thousand Sheep; it is well watered by an extended frontage to a large river; it is so secluded by mountains as to have no other Sheep Stations behind, or beyond, to bring through it travelling or diseased sheep. There is an excellent residence of six large rooms, a detached kitchen with oven, issuing store, and every necessary out-building. An overseer's and other huts, dairy, store, and wool shed, large stock-yards; two large gardens, well stocked with a choice variety of fruit-trees in full bearing, vines, and vegetables. The station huts are large, well built, and shingled. There are between two and three thousand very fine woolled young healthy Sheep, chiefly females; they have never been diseased.

Terms, liberal.—Address personally, or by letter pre-paid to JOHN MACKENZIE, Esq., Druitt-street, Sydney, Coal Wharf. 4000

FOR SALE, 15 tons prime beef tallow, ready for shipment.
J. W. GOSLING,
6519 Charlotte-place.

WANTED, farm labourers, a coachman, a groom, a gardner, a brickmaker, shoemaker, a governess, boys, and various other servants.

N.B.—Servants, mechanics, and others, of every description can be readily obtained at this office.

H. F. BRIMMER'S
Servant's Registry Office,
Opposite the Royal Hotel,
6520 George-street, Sydney.

WANTED, to proceed to one of the neighbouring colonies, A SADDLER *having a thorough knowledge of the business in general.* Respectable references as to ability and integrity are indispensable. Constant employment and liberal wages will be given. Further particulars can be obtained from HORATIO BRETT, 1, Jamison-lane. 6360

A LADY accustomed to tuition, qualified to teach the usual branches of education, with French, music, &c., wishes to obtain a few pupils, as governess; or to meet in class at their own residence. Address E. L. B., *Herald Office.* 6507

TO SHIPPERS TO CALIFORNIA.

A YOUNG MAN who speaks Spanish and French fluently, would have no objection to proceed to California as Clerk, Supercargo, or Agent; he has had "colonial" experience. Address "PERIQUENO," *Herald* Office. 6503

OVERSEER.—Wanted, by a person of good colonial experience, who understands agriculture and the management of horses and cattle, a situation as Working Overseer. Respectable references as to character and ability can be given. Apply personally, or by letter, to J. P. GALE, at Mr. Hart's, Harp Inn, Haymarket, Sydney. 6519

WANTED, two men to make themselves generally useful at a boiling-down establishment. Apply to Mr. F. KOSTEN, Pitt-street. 6546

TO MANTUAMAKERS.

WANTED, twenty good hands; none others need apply.
MRS. TURNER,
6547 5, Hunter-street.

TO DRUGGISTS' ASSISTANTS.

WANTED, a young man, for a town business, who can produce satisfactory testimonials as to character and ability. Apply to
MR. FOSS,
4537 Pitt-street.

WANTED, a respectable young woman to assist at the counter, and who has a knowledge of millinery. Apply to Mrs. LANEHAN, bonnet warehouse, 255, Pitt-street. 6536

WANTED, a steady active Man as Porter; one that has been accustomed to the grocery business—none other need apply. Character required.
THOMAS TAYLOR,
6535 452, George-street.

NOTICE.—Mr. William Crawford is no longer in my employ.
J. G. WALLER,
Wine and Spirit Merchant,
Bank of Australia Buildings,
George-street, Sydney.
October 9. 5717

CONSIGNEES of goods by the Princess Victoria, are requested to pass their entries immediately, otherwise they will be landed, and stored at their risk and expense.
SMITH, CAMPBELL, AND CO.
October 9. 6516

WHEREAS Robert Donald, John Davidson, and Daniel Lawson, weavers, have received monies on account, the two former having left their pieces unfinished, we hereby caution the public against employing them,—they having no discharge from us.
6433 A. AND J. RAYNER.

THE undermentioned Cheque and Orders having been stolen from the Stores of the undersigned on the night of the 8th instant, all parties are cautioned against receiving or negotiating the same, payment having been stopped.

	£	s.	d.
24—J. M'Leer, favour of W. Wall, on Bank of Australasia, Sydney	2	10	0
25—J. Landsborough, favour of J. Kearney, on Gilbert Elliot, Esq.	1	0	0
25—Baker, favour of W. Dixon, on O. Bloxsome, Esq.	2	19	9
26—W. Dalton, favour of bearer, on Ward Stephens	4	0	0
25—P. Dimas, favour of Walton, on R. Towns, Esq.	3	0	0
25—Ditto, ditto Wilson, ditto	3	1	8
25—Ditto, ditto ditto, ditto	3	10	0
25—Ditto, ditto Moules, ditto	6	0	0
25—W. Walker, favour of M. Smith, Messrs. Thacker and Co.	6	0	0

The above numbers were marked in red ink at the back.
J. B. RUNDLE,
Queen's-place.
October 9. 6509

FIVE POUNDS REWARD.

STOLEN from the Stable of the undersigned, on the night of the 8th October, a Saddle, Bridle, Saddle Cloth, and a Bag. Any person giving such information as may lead to the conviction of the thief, will receive the above reward.
HYLAND AND CO.,
6544 638, Lower George-street.

FIFTY POUNDS REWARD.

WHEREAS some evil-disposed person or persons did, on Saturday night or Sunday morning last, enter the Catholic Burial Ground, Sydney, and there maliciously damage and destroy several monuments. The above reward will be paid to any person who will give such information as will lead to the conviction of the perpetrators of such outrage, by applying to the Right Worshipful the Mayor.
Sydney, October 7. 6378

LOST, from Botany, a large rough haired Kangaroo Dog, of a dark brown colour. Any person bringing the same to Mr. H. DARVALL's Cottage, at Botany; or to Darvall, Castilla, and Co.'s Stores, Sussex-street, will be rewarded. 6501

BOARD AND LODGINGS.—Three respectable young men can be accomodated with comfortable Board and Lodgings at No. 56, Prince-street, quite convenient to the National School, and Flag Staff, and in one of the most healthy situations in Sydney. Terms moderate.
56, Prince-street, October 9. 6521

TO LET.—Offices, and Stables, and Yard, in the rear of the House, 308, Pitt-street; also the House, No. 7, Terrace, Surry Hills, containing four rooms and kitchen. Rent, £26 per annum. Apply to THURLOW and GRANT.
September 18. 5072

TO LET, at Balmain, Hotspur Cottage, containing four rooms, kitchen, servants' room, a good well of water, and a piece of ground enclosed, with water frontage, directly opposite Deloitte's Wharf. Apply to JAMES JOBSON, Kent and Argyle streets, Miller's Point. 6548

MILLER'S POINT.

TO LET, with immediate possession, a commodius stone-built corner House, at the extreme North end of Kent-street; lately in the occupation of Mr. Torning, commanding a view of Darling Harbour. The House contains a Shop with two windows, and seven other rooms; has a private entrance, and is particularly well suited for a Grocery or General Store. To a respectable and permanent tenant, rent £1 per week. Apply at the *Herald* Office.

STORE AND OFFICES.

TO LET, the first-floor of the House No. 589, George street, consisting of a large store, with crane, and two convenient offices. Apply on the premises. 3353

OFFICES TO LET.—To Let, the Rooms now occupied by GILBERT WRIGHT, Esq., at 93, King street.
Apply to JOHN ROW, Medical Hall. 5975

TO LET, Gill's Family Hotel and Stores, either together, or separately. Apply to CHARLES NEWTON, Auctioneer. 5934

COTTAGE TO LET.—To Let, with immediate possession, the Cottage at present occupied by the Undersigned, on the South side of the Gate leading to the Mills of Barker and Co., in Sussex street.
5876 GEORGE D. CRAIG.

A BUTCHER'S SHOP to be Let, and entered upon immediately, in consequence of the proprietor's ill health. A good shipping business can be done with a very little outlay. There is a good trade to the shop. Rent and terms moderate. Apply to Mr. J. H. NIXON, 58, Phillip-street, Sydney. 6355

POINT PIPER ESTATE.

THE Public is informed, in answer to the numerous enquiries that have been made to purchase portions of the above estate, that powers have just arrived in the colony for the purpose of completing a title to the same. Persons therefore, who are desirous of availing themselves of a choice suburban allotment, can learn all particulars on application to the undersigned, Engehurst, or at No. 5, Park-street, between 10 and 11 daily.
4868 JAMES COOPER.

TO LET, the property at Lake Macquarie known as Threlkeld's Grant, consisting of 1280 acres of land, on which the Ebenezer colliery is situated.

The greatly increasing demand for coals offers a good opportunity for working this colliery with advantage, especially as a much superior coal to what has hitherto been sold in Sydney from this mine may be obtained with great facility, samples of which can be exhibited. The property would be leased as a whole, or the colliery separately, as it might suit applicants.

Apply to HENRY MOORE, Miller's Point.
July 10. 3571

SALES BY AUCTION.

BOOTS AND SHOES.

MR. R. FAWCETT will sell by auction, at his Commercial Rooms, 481, George-street,
THIS DAY, THURSDAY, OCTOBER 10,
At 11 o'clock precisely,
Twenty Packages Davies and Son's best Boots and Shoes, consisting of—
Ladies' superfine lasting slippers
Ditto second and third quality ditto
Ditto patent calf ditto
Ditto enamel seal ditto
Ditto Spanish leather ditto
Men's Clarence boots
Men's Cossack boots
Men's Oxonian shoes
Men's calf pumps and ties
Men's roan and buckskin slippers
Children's seal shoes, 2 to 9
Ditto Cashmere boots, ditto
Ditto lasting boots, ditto
&c., &c.
Terms at sale. 6480

SHOE THREAD.

MR. R. FAWCETT will sell by auction, at his Commercial Rooms, 481, George-street,
THIS DAY, THURSDAY, OCTOBER 10,
At eleven o'clock precisely,
2 Casks Shoe Thread, consisting of as following:—
8 Dozen shoe thread, No. 9, in 1 oz. balls
6 Ditto ditto ditto, ditto, 2 ditto ditto
4½ Ditto ditto ditto, ditto, 4 ditto ditto
9 Ditto ditto ditto, No. 5, fine ditto ditto
9 Ditto ditto ditto, No. 6, ditto, 2 oz. ditto
5 Ditto ditto ditto, No. 5, ditto, 1 ditto
2 Ditto 1 oz. No. 3 superfine yellow
6 Ditto 1 oz. superfine flax, No. 4
6 Gross super white closing thread
No reserve.
Terms—Cash. 6481

ROCK SALT.

LARGE PICKED LUMPS, NOW LANDING, EX HUDSON, FROM LIVERPOOL.

MR. GEORGE A. LLOYD
Will sell by auction, at the City Mart,
TO-MORROW, FRIDAY,
At 11 o'clock,
In lots to suit purchasers,
30 TONS ROCK SALT, large picked lumps, to be deliverable from the ship Hudson, at the Circular Wharf.
Terms at sale. 6524

EFFECTS OF A PERSON DECEASED.

MR. GEORGE A. LLOYD
Will sell by auction, at the City Mart,
TO-MORROW, FRIDAY,
At half-past 10 o'clock,
By order of the Executor,
4 TRUNKS OF APPAREL and other Effects, late the property of a person deceased.
Terms—Cash. 652

PERFUMED SOAP.

WHITE AND BROWN WINDSOR FANCY SOAPS, TABLETS, &c.

Now Landing ex Princess Victoria.

MR. GEORGE A. LLOYD
Will sell by auction, at the City Mart,
TO-MORROW, FRIDAY,
At 11 o'clock,
860 863 4 CASES highly Perfumed old brown Windsor soap, in pound packets
864, 865 2 Cases ditto white ditto
866, 867 2 Cases honey soap, honey tablets, rose soap, fancy soap, fancy tablets, &c.
WITHOUT RESERVE.
Terms at sale. 6925

OILMAN'S STORES.

FROM THE HOUSE OF
FINNIS AND FISHER, TOWER-STREET, LONDON.

Just Landed,
EX GENERAL HEWITT
and
PRINCESS VICTORIA.

Pint Pickles	Sauces
Quart Pickles	Anchovies
Bottled Fruits	Sardines
Mustard	Salad Oil
Chocolate	&c., &c.

MR. GEORGE A. LLOYD
Has been instructed by the Importer to sell by auction, without any reserve,
AT THE CITY MART, 474, GEORGE-STREET,
TO-MORROW—FRIDAY,
At 11 o'clock,
EX GENERAL HEWITT,
85 CASES FINNIS AND FISHER'S OILMAN'S STORES, comprising,—
20 cases, each 1 dozen quart Pickles
20 ditto each 2 dozen pint Pickles
6 ditto each 2 dozen pint assorted Sauces
6 ditto each 2 dozen bottled Fruits
6 ditto each 2 dozen 1 pint superfine Mustard
6 ditto each 2 dozen ½ ditto ditto ditto
1 ditto finest Chocolate
5 ditto each 2 dozen pints Anchovies
5 ditto each 4 dozen ½ pints ditto
5 ditto each 2 dozen pints Salad Oil
5 ditto each 6 dozen ½ pints ditto
EX PRINCESS VICTORIA.
50 CASES OILMAN'S STORES, Comprising—
20 cases each 4 dozen pint Pickles
12 ditto each 2 dozen quart ditto
12 ditto each 1 dozen quart ditto
6 ditto each 4 dozen ½ pint Sauces
Terms at sale. 6526

ROWLAND AND SON'S CELEBRATED PERFUMERY AND SOAPS.

JUST LANDED.

Macassar Oil, Kalydor, Odonto, Melacomia, Brown Windsor, Egg Soap, Lemon Soap, Eau de Cologne, Lavender Water, &c.

MR. GEORGE A. LLOYD
Has received instructions to sell by auction, at the City Mart, on
TUESDAY, OCTOBER 22,
At 11 o'clock,
AN INVOICE, comprising 10 cases of A. ROWLAND AND SON'S celebrated Perfumery, Soaps, &c.
And
2 Cases Kennaly's Hair, &c.
Full particulars will be furnished prior to the sale.
Terms at sale. 6478

FORTY-EIGHT PACKAGES EARTHENWARE.

NOW LANDING, EX HUDSON,
One of the best assortments imported for a long period, especially adapted for Storekeepers, Shippers, and the Trade.
No Reserve.

JOHN G. COHEN will sell by auction, at his Rooms, 490, George-street,
THIS DAY, THURSDAY, OCTOBER 10,
At 11 o clock precisely,
The following assortment, viz.:—
20 Crates assorted Earthenware, "Dresden and Arab patterns," each crate containing—
6 Dozen dinner plates, 3 dozen pie, 3 dozen cheese
18 Flat dishes, 12 bakers
12 Teapots, 12 sugars, 12 oval creams
12 Butters, 2 dozen egg cups, 2 dozen and 6 mugs
5 Dozen cups and saucers, 18 jugs
1½ Dozen salts, 6 covered dishes
3 Pairs ewers and basins, 6 chambers
2½ Dozen bowls
5 Crates white chambers, dipped bowls
3 Ditto white wash-hand basins
1 Ditto blue-edged pie plates
1 Ditto white chambers, fancy cans, pressed painted jugs
1 Ditto dipped and painted chambers, fancy cans and jugs
1 Ditto white round bakers
1 Ditto blue-edge bakers
4 Ditto dipped bowls
3 Ditto breakfast bowls and saucers
2 Ditto jugs and mugs.
Terms at sale. 6036

DOUBLE AND SINGLE BARRELLED GUNS, PISTOLS, PERCUSSION CAPS.

TO IRONMONGERS, GENERAL DEALERS, AND OTHERS.

JOHN G. COHEN will sell by auction, at his Rooms, 490, George-street,
ON FRIDAY NEXT, OCTOBER 11,
At 11 o'clock precisely,
Two cases double barrelled percussion guns, complete
Two ditto single ditto ditto
One ditto pistols
One ditto percussion caps.
Terms at sale. 6400

GUNPOWDER.

TO SHIPPERS, IRONMONGERS, AND OTHERS.

JOHN G. COHEN will sell by auction, at his Rooms, 490, George-street,
ON FRIDAY NEXT, OCTOBER 11,
At 11 o'clock precisely,
100 Barrels blasting gunpowder
47 Ditto musket ditto
100 Cannisters 1 lb fine ditto
50 Ditto 1 lb. super ditto.
Terms at sale. 6399

TO SHIPPERS AND OTHERS.

JOHN G. COHEN will sell by auction, at his Rooms, 490, George-street,
ON FRIDAY NEXT, OCTOBER 11,
At 11 o'clock precisely,
JBB C } 4 Cases and 100 boxes capsules capaiba
V 5 Ditto 48 bottles sarsaparilla
B 6 Ditto 24 boxes bel. armon.
Terms at sale. 6485

TWENTY-FOUR PACKAGES FLOWING-BLUE EARTHENWARE.

FROM THE CELEBRATED HOUSE OF JAMES GREEN.

TO EARTHENWARE DEALERS, STOREKEEPERS, SHIPPERS, AND OTHERS.

JOHN G. COHEN will sell by auction, at his Rooms, 490, George-street,
ON TUESDAY NEXT,
At 11 o'clock precisely,
Four crates dark flowing-blue, Arcadian pattern, dinner, pie, and cheese plates
One crate dishes to match, ten to eighteen inch, baking dishes nine to eleven inch
One crate vegetable dishes, to match, ten inch
Four crates flowing-blue Arcadia, two dark ditto ditto chamber services
Four crates, each eighty sets, of jugs (three to set), Arcadian, Indiana, Aromian
Five crates breakfast cups and saucers, dark flowing-blue Acardia and armour
Two crates flowing-blue Acardia and Ormond breakfast services complete
One tierce breakfast and tea services, China, Japan, Poonah patterns, china plates, broad gold band, eight and a half inch
One tierce breakfast services, coloured flowers
One tierce gold edge, line and sprig, stoneware, breakfast cups and saucers, plates 7½, 6½, 5½, 4½ inch
One tierce breakfast plates, stone china and gold edge, breakfast cups and saucers, blue border and flowers.
Terms at sale. 6551

PRELIMINARY NOTICE

OF a large assortment of Works of Art and Vertu, now landing from the Princess Victoria, and will be sold by auction,
ON THURSDAY, OCTOBER, 17,
BY J. G. COHEN,
At his Rooms, George-street,
Comprising Parian marble, arabesque, and bisquet China, in statuettes, busts, figures, and groups, copies from the old masters, and forming subjects selected by the Society of Arts for prizes in 1850, and to be shown in the Exhibition of 1851, together with an extensive assortment of most elegant China jugs, vases, baskets, candlesticks, &c. Will be on view two days before the sale, and full particulars given in future advertisements. 6550

WHITE LEAD, LAWN HARROW GAS BURNER.

MR. EDWARD SALAMON will sell by auction, at his Rooms, George-street,
THIS DAY,
At Eleven o'clock,
Ten kegs white lead, each 1 cwt.
One lawn harrow, complete
One four-light bronzed hanging gas burner
Terms—Cash. 6554

GOLD AND PLATED GOLD JEWELLERY, SILVER THIMBLES, EVER-POINTS, CORALS, &c.

MR. EDWARD SALAMON
Will sell by auction, at his Rooms, George-street,
THIS DAY, THURSDAY, OCTOBER 10,
At 11 o'clock,
Without Reserve,
A VARIETY of Gold and Plated Gold Jewellery, Silver Ever-points, Thimbles, Corals, Shawl Brooches, &c., &c.
To close several consignments.
Terms at sale. 6557

SUPERIOR TELESCOPES, MARINE Barometers, Framed Engravings, Oil Paintings, Pocket Compasses, Thermometers, Biscuit, China Ornaments, Toilet Bottles, Gold and Silver Beads, Clocks, Opera Glasses, Platedware, &c.

TO CLOSE SUNDRY CONSIGNMENTS, AND WITHOUT RESERVE.

MR. EDWARD SALAMON
Will sell by auction, at his Rooms, George-street,
THIS DAY, THURSDAY, OCTOBER 10,
At 11 o'clock.
SUPERIOR 1, 2, and 3 draw Day and Night Telescopes
Marine Barometers, in rosewood and mahogany cases
Brewers' Thermometers and Spirit Levels
Large framed Engravings
A few superior Oil Paintings
Pocket Compasses
Biscuit China Ornaments, shades and stands complete
Handsome Cut Glass Toilet Bottles
Gold and Silver Beads
Eight-day Porcelain and Office Clocks
Handsome Achromatic Opera Glasses
Sundry plated articles, and various other sundries.
Terms at sale. 6556

TO WATCHMAKERS, JEWELLERS, &c.

SUPERIOR TOOLS AND MATERIALS, BEST FINISHED SILVER GENEVA HORIZONTAL WATCHES.

MR. EDWARD SALAMON
Will sell by auction, at his Rooms, George-street,
THIS DAY, THURSDAY, OCTOBER 10,
At 11 o'clock,
1 SUPERIOR finished 24-inch lathe, with 24-in. turning lathe
Wheel, crank, and hook
1 Superior finished fuzee engine
1 Ditto ditto balance wheel ditto
Brass pivot and steel turns, screw head polishing tools
Adjusting rods, fuzee and barrel cover arbours, dovetail tools, assorted plyers, cutting nippers, sliding tongs, saws, bumping tools, bench and pin vyces, hair spring and sliding tongs, verges, gold and metal hands, fusee chains, pittance, pillar, verge, equalling, slitting, crossing, pivot, dovetail, and three-square files
Lunette and common watch glasses
24 *Best finished silver Geneva horizontal watches, silver dials, gold figures, &c.*
Terms at sale. 6555

CONTINUATION OF TUESDAY'S SALE OF UNREDEEMED PLEDGES,

BY MR. W. G. MOORE,
At the Labour Bazaar, Pitt-street,
THIS DAY,
At 11 o'clock,
THE remaining Unredeemed Pledges left unsold, consisting of about 200 bundles
Jewellery, watches, &c. 6552

PRODUCE SALE.
TALLOW.

MR. CHARLES NEWTON
Will sell by auction, at his Sale Yard,
THIS DAY, THURSDAY, OCTOBER 10,
At half-past 10 o'clock,
9 HIDES TALLOW
2 Casks ditto.
Terms—Cash. 6421

COCOA-NUT OIL.

MR. CHARLES NEWTON
Will sell by auction, at his Sale Yard,
THIS DAY, THURSDAY, OCTOBER 10,
At half-past 10 o'clock,
3 TUNS COCOA-NUT OIL.
Terms—Cash. 6487

NEW DRAPERY GOODS.

MR. CHARLES NEWTON
Will sell by auction, at his Rooms,
ON FRIDAY, OCTOBER 11,
At 11 o'clock,
SEVENTY PACKAGES of the undermentioned Goods, just landed
EX PHŒNICIAN.
Handsome printed muslins
Ditto ditto cambrics
Elegant balzorines
Ditto cashmere
Ditto de laines
Ditto shot cameliona
Ditto embroidered robes
White checked muslin dresses
7-8 Hoyle's fancy prints
9-8 Ditto ditto
5-4 Ditto ditto
7-8 Dark fancies
5-4 Ditto ditto
7-8 and 5-4 navy blues
36-inch white shirtings
9-8 supers
36-inch Horrocks' long cloths
72-inch white sheetings
80-inch ditto ditto
36-inch Derby dowlas
72-inch grey sheetings
Extra stout drab moleskins
Ditto ditto white ditto
Ditto ditto drab cords
Ditto ditto printed moleskins
4-4 Rough brown hollands
4-4 Dressed ditto ditto
4-4 Black hollands
4-4 Linen checks
4-4 Fancy ginghams
6-4 Book muslins
6-4 Checked ditto
6-4 Harness books
6-4 Green and white lenos
White and coloured rolled jaconets
White crenolines
White and black cotton hose
Children's white and coloured socks
Men's white and brown half hose
Ditto striped ditto ditto
Ditto white merino vests
Ladies' ditto ditto
White satteen and coutil's stays
SLOPS.
Men's blue serge shirts
Ditto fancy regatta
Ditto white long cloth ditto linen fronts, &c.
Ditto brown hol and blouses
Ditto fancy shooting coats
Ditto double stitched drab moleskin trousers
Ditto white ditto ditto
Ditto drab cord ditto ditto
Ditto fancy doeskin ditto
Ditto black and drab cashmere ditto
6488 Terms at sale.

IMPORTANT UNRESERVED SALE OF (50) FIFTY CRATES AND CASKS OF EARTHENWARE,

NOW LANDING, EX HUDSON.

TO SHIPPERS, COUNTRY STOREKEEPERS, DEALERS IN EARTHENWARE, AND OTHERS.

MR. JAMES SIMMONS
Will sell by auction, at the Australian Mart, Market-street East,
ON FRIDAY NEXT, OCTOBER 11,
At 11 o'clock precisely,
THE following very superior assortment of the above goods, from one of the largest Staffordshire Potteries:—
Flowing blue, mulberry, blue printed, brown ditto, enamelled, lustre, and other cups and saucers
Flowing blue, mulberry, blue printed, and enamelled bowls
Teapots, sugars, and butter stands
Blue, Rousillon, Royal, and Peruvian ewers and basins
Jenny Lind, mulberry, Moree, and japan lustre ditto ditto
Chambers and toilet sets to match the above
Sets of enamelled lustre and other jugs
Mugs with names, mustards
Willow plates and dishes, all sizes
Cover dishes, baker's ditto, blanc manges
Handsome dinner sets
Ditto dessert ditto
Ditto breakfast and tea ditto
Foot pans, stool pans, &c., &c.
Terms liberal, declared at sale. 6197

MR. SYLVESTER will sell by auction, at his Livery Stables, York-street, opposite Mr. Entwistle's
THIS DAY.
A number of superior horses, broken to saddle and harness. These horses have just arrived from the Hunter, and are well worth the attention of gentlemen who require a really good horse. They are thorough-bred, and warranted sound. Also, a baker's cart, gigs, phaeton, &c.
Mr. Sylvester has good saddle horses and gigs to let on hire. 6541

PORUS,

THE THOROUGH-BRED ENTIRE.

MR. STEWART will sell by auction, at the Horse Bazaar, 208, Pitt-street,
ON SATURDAY,
At eleven o'clock,
PORUS, the thorough-bred entire, by Septimus, by Harry Lorrequer's dam. He will arrive at the Bazaar on Friday morning. 6533

THURSDAY'S USUAL PRODUCE SALE.

WOOL, TALLOW, HIDES, SHEEPSKINS.

MORT AND BROWN
Will sell by public auction, at their Rooms, George-street.
THIS DAY, THURSDAY, OCTOBER 10,
At 11 o'clock,
47 BALES WOOL
3794 Sheepskins
120 Casks Tallow, various brands
58 Paunches Beef ditto
302 Ditto Mutton ditto
575 Salted Hides.
Terms—Cash. 6407

BOOKS.
UNRESERVED SALE OF CHOICE WORKS.

MORT AND BROWN,
Will sell by public auction, at their Rooms, George-street,
TO-MORROW, FRIDAY, OCTOBER 11,
At 11 o'clock,
ONE THOUSAND VOLUMES OF POPULAR AND STANDARD LITERATURE.
Amongst which will be found—
Britton's English Cathedrals, Neale's Westminster Abbey, Skelton's Records of Oxford Founders, Wordsworth's Illustrated Greece, Mysteries of Paris, Master Humphrey's Clock, Windsor Castle, Seymour's Sketches, Beattie's Illustrated Scotland, Jamieson's Dictionary of Arts and Sciences, Fox's Book of Martyrs, Yarrell's History of British Birds, Atlas, Lesage, Scott's and Henry's Bible, Doddridge's Family Expositor, Waverly Novels, 25 vols.; Fielding, Smollett, and Swift's Works, Robertson's Works, Burn's Works, Encyclopedia of Agriculture, London's Magazine of Gardening, 9 vols.; Shilling Magazine, 7 vols.; Robertson's Architectural Works, 6 vols.; Catlin's North American Indians, &c., &c.
Full particulars in a future advertisement.
Terms—Cash. 6309

IN THE INSOLVENT ESTATE OF MR. P. HAYES.

VALUABLE ALLOTMENT OF LAND AT PARRAMATTA.

MORT AND BROWN
Have received instructions to sell by public auction, at their Rooms, George-street,
ON TUESDAY, OCTOBER 15,
At 11 o'clock,
VALUABLE ALLOTMENT AT PARRAMATTA,
Thus described in the Deeds—
"All that piece or parcel of land, lying and situate on the south side of George-street, in the town of Parramatta aforesaid, containing 80 rods; bounded on the west by a line 4 chains and 8 links; on the south by a line 1 chain and 26 links; on the east by a line 4 chains and 13 links to George-street; and on the north by that street 1 chain and 13 links.
Terms—Cash. 6530

ELSINEUR,
TOGETHER WITH ABOUT
500 HEAD OF CATTLE.

TERMS—*One third cash, residue by approved Bills at three and six months.*

MORT AND BROWN
Have received instructions to sell by public auction, at their Rooms, George-street,
ON TUESDAY, OCTOBER 15,
At 11 o'clock,
THE well-known Station of Elsineur, situate on the M'Leay River, to which it has a frontage of about eight miles, together with
FIVE HUNDRED HEAD CATTLE.
☞ This run is most abundantly watered and grassed, and has space for depasturing at least 800 head. It is intersected with several fresh water creeks, and consists of large appletree flats, with open undulating ranges, and it is only thirty-five miles from a boiling-down Establishment.
THE IMPROVEMENTS
consist of Cottage, with Garden and Orchard attached, kitchen and men's huts, &c., stockyard and weaning paddock, with cultivation paddocks, to the extent of 30 acres. All farming implements will be given in.
The cattle are well-bred and quiet, and consist of a general mixed herd.
All further particulars may be learnt at the rooms of the auctioneers. 4412

70 Cows, two years to aged
80 Bullocks, three to five years
48 Steers and Heifers, one to two years
2 Very superior Bulls
All the Calves of 1849
Calves of this year given in.

MORT AND BROWN
Are instructed to sell the above, by public auction, at their Rooms, George-street, on
TUESDAY, OCTOBER 15,
At 11 o'clock,
THE above CATTLE are of excellent breed, being from the herds of Mr. Charles Tompson, of Clydesdale, and are now running within ten miles of Wagga Wagga South.
The right of brand, BT, will be sold with the Cattle, but the purchaser will have to collect.
There will be 150 head, more or less, and they will be sold as a lot.
Terms at sale. 5316

BEAUTIFUL VINEYARD AND DAIRY FARM ON THE HUNTER,

PART OF THE HOMESTEAD OF
TOMAGO.

MORT AND BROWN
Will sell by public auction, at their Rooms,
ON MONDAY, OCTOBER 21,
At 12 o'clock,
ONE of the most beautiful and extensive Vineyards on the Hunter, at
TOMAGO,
only half a-mile from the River, part of the Homestead of the late RICHARD WINDEYER, Esq., consisting of
600 ACRES OF LAND,
with about three miles of good fencing.
The Land is subdivided as follows:—
Thirty acres fenced as a Vineyard, containing about 30,000 vines of the choicest descriptions, 7 and 8 years old, in full bearing
A Cottage Orneé of six rooms, built of stone and slated
Two vinedressers' Cottages, slated
Stable, and large Wine Store, with press, tubs, vats, casks, and everything required for making wine, with plenty of good water.
A Dairy Farm of 100 acres, with a calf paddock of 17 acres, and stockyard securely fenced, and Two Cottages.
Also,—
A Wheat Paddock of about 20 acres
This part of the section is used as a run, in fact it is the best in this locality, and well worthy the attention of a respectable family.
The whole will be sold in one lot.
Terms, liberal. 6529

THURSDAY, OCTOBER 10.

TO PARTIES BUILDING SMALL HOUSES, &c.

BUILDING MATERIALS.

MR. SAMUEL LYONS
Will sell by auction,
THIS DAY, THURSDAY, OCTOBER 10,
At 10 o'clock.
ON THE GROUND,
Situate in Pitt-street, between the Theatre and Mr. Moffitt's premises, and directly opposite Mr. Samuel's, butcher.
THE BUILDING MATERIALS of the two Houses, recently occupied by Mrs. MEARES and Mrs. FORSBERG, consisting of—
2 Shop fronts, with doors, shutters, bars
9 Ledge doors and frames, complete
300 Feet ½ inch deals
1200 Feet of joists and flooring boards
3 Large sashes and partition, complete
Roof, with 2 large skylights
4 Chimney-pieces
16,000 Good bricks
60 Feet leaden gutters
Sundry pieces hardwood, 4 x 3, such as studs, bearers, plates, &c., in both houses
1 Wooden pump
☞ The above will be sold in one lot.
Terms—Cash. 6390

MONDAY, OCTOBER 14.

ON ACCOUNT OF WHOM IT MAY CONCERN.

THE BARQUE JUNIPER,
350 TONS BURTHEN.
As she now lies stranded at the Berrewerria Beach, George's Head, near Jervis Bay.
WILL BE SOLD BY AUCTION
BY
MR. SAMUEL LYONS
At his Mart,
ON MONDAY, OCTOBER 14.
At 11 o'clock precisely,
ALSO,
1 long-boat, 1 pinnace, 1 gig—more or less damaged.
AND,
The SAILS, RIGGING, ANCHORS, CABLES, SPARS, &c., landed from the above vessel on the Berrewerria Beach, a list of which can be seen at the Auctioneer's Rooms.
☞ Particulars of the build, &c., of the above vessel will be given in a future advertisement.
Terms at sale. 5726

MONDAY, OCTOBER 14.

TO CAPITALISTS, TRADESMEN, BUILDERS, SPECULATORS, AND OTHERS.

55 VALUABLE BUILDING ALLOTMENTS,

AT FITZ ROY TERRACE, A PART OF THE CAMPERDOWN ESTATE, FRONTING THE PARRAMATTA ROAD, AT ANNANDALE TURNPIKE AND BRIDGE, ON JOHNSTONE'S CREEK, (BEING THE ONLY PORTION OF THE ESTATE NOW LEFT OPEN FOR SALE ON THE HIGH ROAD.)

TO BE SOLD BY AUCTION,
BY MR. SAMUEL LYONS,
At his Mart,
ON MONDAY, OCTOBER 14,
At 12 o'clock precisely,
WITHOUT RESERVE,
AND UPON LIBERAL TERMS.
THE ABOVE ALLOTMENTS are pleasantly situated just past GROSE FARM, on the opposite side of the Parramatta Road, between Gordon's property and Johnstone's Creek, which latter forms their western boundary, lying between them and the beautiful estate of Annandale.
The frontage on the Parramatta Road extends from Gordon's property to Annandale Bridge upwards of 500 feet, and the turnpike is situated about midway, being just opposite Doyle's late inn.
Surprising improvements have been made in the vicinity, and are steadily increasing around this property, which it is evident from its position must advance in importance and value, for the City is gradually extending in that direction, and must continue so to do, as it is the only line of communication open with the interior, and it is now difficult to obtain vacant land in that quarter. Such an opportunity as the present one is worthy of notice, and the liberality of the terms renders the payment convenient to all classes of buyers. It will be seen by the dimensions of the lots that sufficient space is given to admit of the erection of respectable houses, whilst the width of the street and the convenience of a RESERVED WATERING PLACE at deep water on Johnstone's Creek, will add materially to the comfort of the occupants.
LOT 1.
Has a frontage of 30 feet to the Parramatta Road, and 100 feet to Elizabeth-street, and has also 30 feet frontage to a lane in the rear, being a corner allotment.
LOTS 2 TO 10.
Have each 25 feet frontage to the Parramatta Road, and a similar frontage to a lane in the rear, by a depth of 100 feet.
LOT 11.
Has a frontage of about 50 feet on the Parramatta Road, at Annandale Bridge, and is bounded on the west by Johnstone's Creek.
LOT 12.
Has 30 feet frontage to Rose-street, 100 feet frontage to Elizabeth-street, and 30 feet frontage to a lane in the rear, being a corner allotment.
LOTS 13 TO 18.
Have each 25 feet frontage to Rose-street, and a similar frontage to a lane in the rear, by a depth of 100 feet.
LOT 19.
Is bounded on the west by Johnstone's Creek, and has about 50 feet frontage to a lane 12 feet wide.
LOT 20.
Has 38 feet frontage to Rose-street, 38 feet frontage to Water-street, and 130 feet frontage to Elizabeth-street, being a corner allotment.
LOTS 21 AND 22.
Have each 32 feet frontage to Rose-street, similar frontage to Water-street, by a depth of 130 feet.
LOT 23.
Has about 50 feet frontage to Rose-street, and is bounded on the west by Johnstone's Creek.
LOT 24.
Has 30 feet frontage to the Parramatta-road, 100 feet frontage to Elizabeth-street, and 30 feet frontage to a lane in the rear, being a corner allotment.
LOTS 25 TO 32.
Have each 25 feet frontage to the Parramatta-road, and similar frontage to a lane in the rear, by a depth of 100 feet.
LOT 33.
Has similar dimensions to Lot 12, and is a corner allotment.
LOTS 34 to 41.
Have each 25 feet frontage to Rose-street; a similar frontage to a lane in the rear, by 100 feet depth.
LOT 42.
Has similar dimensions to Lot 20, and is a corner allotment.
LOTS 43 to 48.
Have each 32 feet frontage to Rose-street, and 32 feet frontage to Water-street, by a depth of 130 feet.
LOT 49.
Has 38 feet frontage to Water-street, 130 feet frontage to a reserved watering place, and has also a frontage on Johnstone's Creek, and is a corner allotment.
LOTS 50 to 55.
Have each 32 feet frontage to Water-street, and a frontage on Johnstone's Creek, by depth varying from 130 to 156 feet.
Elizabeth, Rose, and Water streets are each 30 feet wide, and the lane is 12 feet wide.
☞ A Plan is on view at the Auctioneer's.
TERMS—
Twenty per cent. cash deposit; the residue by approved bills dated from day of sale.
For £10, and under £20, 3 months
£20, „ £50, 3 and 6 months
£50, „ £100, 3, 6, and 9 months.
£100, and upwards, 3, 6, 9, and 12 months.
WITHOUT INTEREST.
_ A Lunch will be provided. 5821

MONDAY, NOVEMBER 4.

IMPORTANT SALE OF COUNTRY PROPERTY!

BY MR. SAMUEL LYONS,
AT YEOMAN'S NORTHUMBERLAND HOTEL, WEST MAITLAND.

1st.
VALUABLE PROPERTY IN HIGH-STREET, WEST MAITLAND, viz.: SIX DWELLING HOUSES, with an extensive piece of land in their rear, occupied by Messrs. Nicholson, Norrie, Burns, Sheppard, and Grady.
TO BE SOLD,
DIVIDED INTO 13 ALLOTMENTS,
And situated in the centre of Maitland, nearly fronting the Great Paterson Road by Macdougall's Punt, and having at the back
THE PUBLIC RACE COURSE, &c.
2ND.
560 ACRES AT GLENDON BROOK, opposite Major Jackson's 2000 acres.
3RD.
314 ACRES, 2 ROODS, 21 PERCHES OF LAND, at Anvil Creek, Branxton, with the Crown Inn, and other improvements theron.
BY PUBLIC AUCTION,
ON MONDAY, NOVEMBER 4,
At 12 o'clock precisely.
A LUNCH WILL BE PROVIDED.
1st.
WEST MAITLAND PROPERTY.
TITLE, A GRANT FROM THE CROWN.
QUIT RENT REDEEMED!
LOT 1.
Formerly the MAITLAND INN, occupied by Mr. W. Nicholson, contains twelve rooms on the ground floor, with suitable conveniences,—as passage, &c., very extensive yard and garden, with laundry, servants' house, coach house and stabling for four horses, well of water, &c. It has a frontage to the HIGH-STREET of 81 feet 2 inches, including the gateway, by a depth of about 248 feet, adjoining Capt. in Roxburgh's property.
LOTS 2 to 7.
Have each a frontage to the High-street, varying from 25 feet 9 inches to 27 feet 6½ inches, by depths of 120 feet each. Five excellent SHOPS and DWELLING HOUSES are erected thereon, and occupied by Messrs. Norrie, Burns, Sheppard, and Grady, with the convenience of entrance from a reserved road in the rear.
LOTS 11 to 13
Have each frontages varying from 25 feet 9 inches to 27 feet 6½ inches, to TWO RESERVED ROADS, one in front and one at rear, by depths of 80 feet each.
☞ The above property being in the midst of the traffic and market interest in the Hunter River district, forms a most valuable and desirable purchase for such as require an entire good estate. It must be noticed of Maitland, that during all the vicissitudes of the times, these houses have been always let to good tenants, at fair rentals, and are
MIDWAY in the TOWN for all its TRADE!
2ND.
560 ACRES AT GLENDON BROOK.
TITLE A GRANT FROM THE CROWN.
Described as "ALL THAT PIECE OR PARCEL OF LAND, containing by admeasurement 560 acres, be the same more or less, situate, lying, and being in the county of Durham and parish of Wardwood, at Glendon Brook, in the colony of New South Wales, commencing at the north-west corner of Glendon Brook, and bounded on the NORTH by an east line by compass of 49 chains, (3234 feet); on the EAST by a south line of 80 chains (5280 feet); on the SOUTH by a west line of 111 chains, (7326 feet) to Glendon Brook; and on the WEST by that Brook to the north-west corner aforesaid; *being the land inserted in the Government Notice of the 17th day of November, 1839, as No. 139, to be called GLENDON.*
The above land lies between Helenus Scott's 2500 acres and Major Jackson's 2000 acres.
3RD.
314 ACRES, 2 ROODS, 21 PERCHES OF LAND,
AT ANVIL CREEK, BRAXTON, WITH THE CROWN INN,
OCCUPIED BY MR. WILLIAMS,
AND OTHER IMPROVEMENTS THEREON.
TITLE A GRANT FROM THE CROWN—QUIT-RENT REDEEMED:
Described as—"All that piece or parcel of land, in the territory of New South Wales, containing by admeasurement 320 acres, be the same more or less, situate in the county of Northumberland, parish of Branxton, commencing at the southern extreme of the east boundary line of Samuel Marshall's 50 acre grant, and bounded on the WEST by that boundary line, bearing north 29 chains, (1914 feet); on the NORTH by 59 chains (3894 feet) of the south boundary line of the church land, bearing east; on the EAST by a south line of 29 chains, (1914 feet), to the high road; on the NORTH-EAST by the high road easterly to the north boundary line of the village *reserve*; and on SOUTH by 9 chains and 70 links (640 feet 2 inches) of that boundary line, bearing west from the road to Anvil Creek, and by Anvil Creek downwards to the southern extreme of the east boundary line of S. Marshall's 50 acre grant, saving and reserving therefrom 5 acres, 1 rood, and 19 perches, sold and conveyed by Robert Scott. COAL ABOUNDS ON THIS LAND.
_ The Hunter's River district has assumed increased importance from the large export of coal required for the California market, the demand for which has added to the trade and value of the Port of Newcastle to a surprising extent, and the continuance of which must beneficially affect property at Maitland, or in the vicinity of the Hunter, particularly such as is here offered for sale, THAT AT BRANXTON ABOUNDING WITH COAL.
TERMS OF PAYMENT.
20 Per cent. cash deposit, the residue by approved bills at 4, 8, and 12 months, dated from day of sale, and bearing 7 per cent. interest
PLANS ON VIEW
At Mr. Yeoman's Northumberland Hotel, West Maitland, and at the Auctioneer's.

HOUSEHOLD FURNITURE AND APPAREL.

MESSRS. PICKERING AND LUCAS will sell by auction, on the Premises, Church-hill, next door to the Three Crowns,
THIS DAY,
At 11 o'clock,
One chest of drawers
Two cheffoniers
One pair of dining tables
One bookcase
Six cane-seated chairs
Two pier glasses, toilet glasses, pictures, ornaments, clock, decanters, kitchen utensils, &c., &c.
Also,
Coats, trousers, vests, shirts, blankets, counterpanes, rugs, dress pieces, and other goods, too numerous to particularise.
Terms—Cash. 6539

TO STAND THIS SEASON, at Mr. Osborne's Station, Wagara, near Gundagai, the imported thorough-bred Entire Horse
MERRY PEBBLES,
Imported by Benjamin Boyd, Esq.
PEDIGREE.
Bred in 1837, got by Saracen, out of Lady Canford by Cattero, Croille, Hambletonian, Shuttle, Overton, Beningbrough's dam by Herold, Pyrrah by Matchem, Dutchess by Whitenose, Miss Slamerkin. Saracen was got by the Mount Falcon Arab, out of Hebe by Meteor, Nancy by Long Rendrow, Nancy's dam also by Young Rendrow, Matilda by King Fergus.
TERMS:—£2 5s. for a single mare; £1 15s. each for three or more, groomage included; good and secure paddocks found, and every care taken, but no responsibility incurred; all mares to be paid for, and removed on or before the 1st of January, 1851. 5675

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